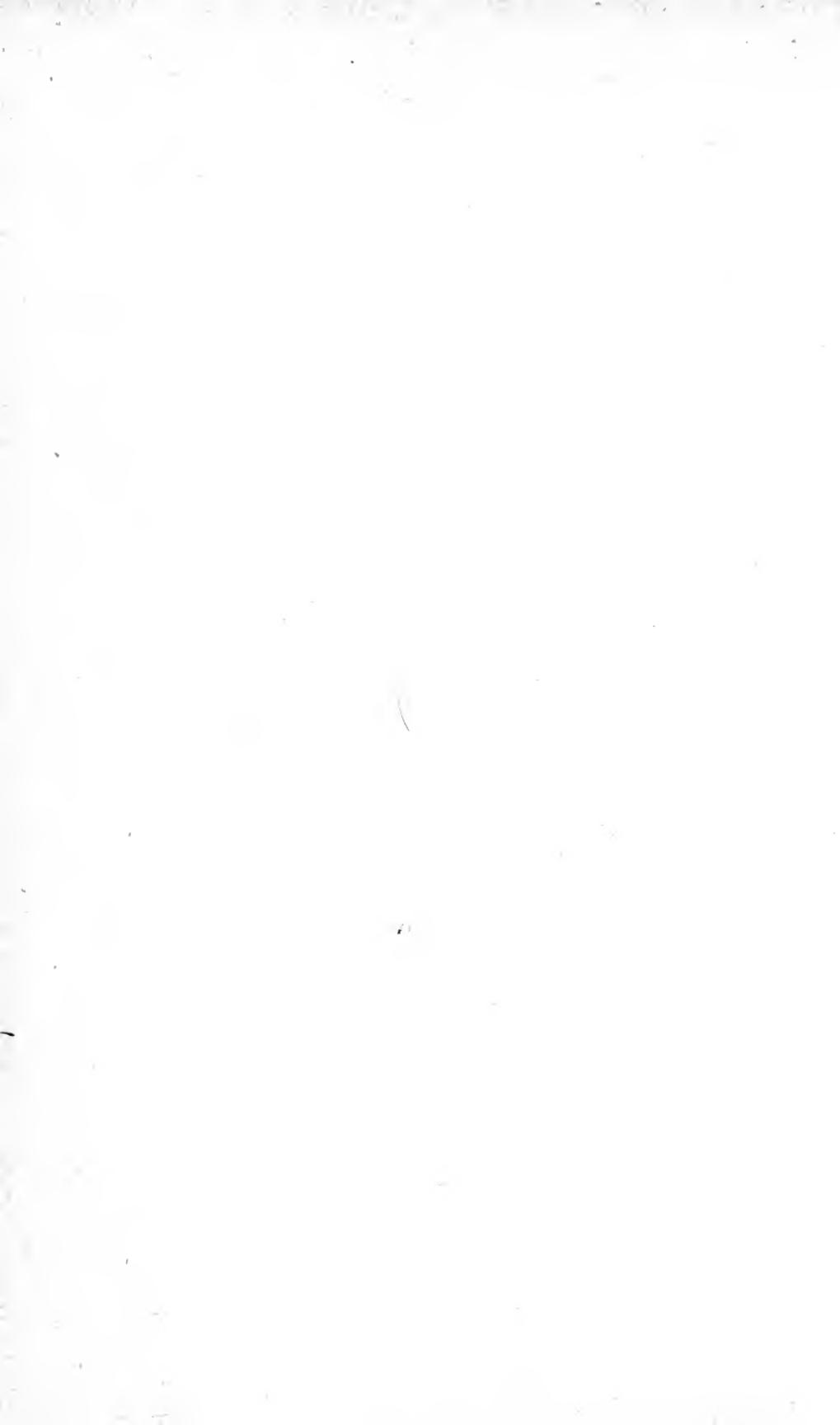


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**COLONIAL IMMIGRATION LAWS**



**STUDIES IN HISTORY, ECONOMICS AND PUBLIC LAW**

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**COLONIAL IMMIGRATION LAWS**

A STUDY OF THE REGULATION OF IMMIGRATION BY THE ENGLISH  
COLONIES IN AMERICA

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## PART I GENERAL SURVEY

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### CHAPTER I

#### INTRODUCTORY

THE settlement and growth of the American Colonies, though carried on under English control and largely supplied by British subjects, was by no means confined to the inhabitants of that realm. America offered attractions to the daring and discontented, the oppressed and persecuted of all Europe. Especially to the thrifty of all classes did the new world hold out tempting inducements. And so people of many nationalities and widely varying customs and creeds were among the early settlers; the lowlands of Holland, the plains of France and the valleys of Germany and Switzerland each contributed to that band of sturdy immigrants, the American colonists.

It is doubtful whether England could have held this vast territory if she had pursued a policy of exclusion in its colonization. True, the other maritime powers of Europe, at the beginning of the seventeenth century, were in no condition to compete with her in this field; but it is improbable, when we consider how comparatively feeble the colonies would have been had they depended for settlers on England alone, that she could have resisted the encroachments of France and Holland, or that she would have deemed it worth the effort.

The early idea that America was the much desired East, or, at least, a country of marvelous resources, whose river

beds were lined with gold and precious gems, led to a very natural national exclusiveness. Every new discovery was thought to be a veritable treasure house, and naturally the sovereigns of the different countries deemed it prudent to reserve all rights for themselves and their liege subjects.

With the abandonment of the pursuit of gold, however, after a century of mutual encroachments and petty warfare, came greater liberality in the admission of foreigners. English leaders began to realize that there were fortunes in the natural products of their American grants, if properly developed. But this meant a permanent residence by actual settlers instead of temporary occupation by bands of adventurers, and the early years of the seventeenth century were rife with schemes of colonization. Settlements were made in the face of the greatest obstacles and received every encouragement from the crown.

The economic theories of the time, however, made national greatness depend on a dense population, and England could ill afford to spare the requisite quotas of people to build up prosperous and populous colonies; accordingly we find the genesis of American cosmopolitanism in the early charters granted to the colonizing companies, which gave the promoters permission to transport not only liege subjects, but all such strangers as might be willing to present themselves.<sup>1</sup>

<sup>1</sup> "And we do further . . . grant by these presents, to and with the said Treasurer and Company and their Successors, that it shall be lawful and free for them and their assigns at all and every time and times hereafter, out of our realm of England, and out of all other our Dominions, to take and lead into the said voyages, and for and toward the said plantation . . . and to abide and inhabit there in the said Colony and Plantation all such and so many of our loving subjects, or any other strangers that will become our loving subjects, and live under our obedience, as shall willingly accompany them in the said voyage and Plantation," Charter of 1609 granted to London Co. by James I. *Charters and Constitutions of the U. S.*, ii, 1900.

The charter granted to the Mass. Bay Company in 1629 by Chas. I. contains a similar clause. *Ibid.*, i, 983.

Some one has aptly said that the seventeenth century found the old world and its people so heartily tired of each other, that a partial separation was inevitable. The conditions in Europe were such that many of its inhabitants were moved to abandon their country, their homes, and their friends, and to seek a habitation in some other land; and so, like their ancestors before them, they turned their faces westward, with the great immigration to America as the result.

It is a part of the work of every historian who writes a history of America to point out the general conditions in Europe which induced thousands, during the seventeenth and eighteenth centuries, to forsake their old homes and to seek new ones beyond the ocean. It will be our purpose to study this immigration from the American side; especially to ascertain the attitude of the colonial governments, which were for the most part controlled by English settlers, toward the immigrants from other countries or toward those of religious and political creeds different from their own; in short, to ascertain their efforts to encourage, or to regulate and restrict immigration.

Historians have classified the European conditions which led to the great migration under three categories: Religious, Political and Economic. In like manner we may group the American conditions, both natural and artificial, which attracted or discouraged immigration, under the same heads, and find the exact opposites of the European conditions. Thus religious intolerance and persecution in Europe was one of the prime factors for the discontent, the unrest, and the widespread desire for emigration, in many cases making the latter an absolute necessity for self-preservation.

On this side of the water we shall find that toleration in matters of religion was one of the strong and attractive inducements held out by the founders and afterward by the governments of the colonies to draw settlers to their juris-

dictions, while at the same time we shall see that intolerance in some of the colonies served as a most effective check to restrict and even prohibit the immigration of settlers who might otherwise have been attracted to those places. Again, while despotic governments and political and legal inequalities drove thousands from their homes in the old world, the promise of mild government and a guarantee of political and civil rights were held out by several of the colonies as special inducements to encourage the peopling of their lands. Similarly the economic conditions of America were the exact counterpart of the European: There unoccupied land was scarce and subject to a thousand petty and vexatious burdens; here the poorest peasant might obtain more than he could cultivate, and subject to no burdens except a mere pittance as quit-rent. In Europe labor was cheap and in the distribution of wealth secured barely enough to maintain itself; while America offered not only a maintenance, but a competence to the industrious and thrifty laborer.

Although our purpose is to study the regulation of this colonial immigration exclusively from the American stand-point, we shall find ourselves compelled to observe it more or less in connection with the European conditions, for the reason that the colonial governments were not free to deal with this question as they chose. Subject, as most of them were, to the control of some proprietor or proprietors, and in the last resort, as all of them were, to the Crown of England, their legislation on immigration must of necessity conform to the ideas and wishes of these superior powers, and in many cases was but the continuation or elaboration of the founders' policy, or a co-operation with some project of the home government.

## CHAPTER II

### THE ENCOURAGEMENT OF IMMIGRATION

THE practical question which confronted the colonizing companies or proprietors, after securing the Royal Patent, was how to induce persons to leave their European homes and settle in America. Obviously this could be effected only by offering to better their pecuniary condition, either immediately or prospectively, or by promising freedom from certain intolerable restraints and burdens. These are about the only inducements which will lead most people to leave their native heath and undergo the privations and uncertainties of establishing themselves in remote and strange countries. Accordingly one of the greatest attractions offered by the founders of the colonies and later by the colonial governments was *land*. This they possessed in abundance and of unexampled fertility. To the European of that period it meant even more than it does to-day. The great industrial movements of these times were then unknown, and land was the basis of society in a sense hardly appreciable by us. Associated with it was not only material wealth, but political privileges and social rank. Naturally, therefore, the offer of fifty or one hundred acres to every settler, even counting the children and servants in many cases, was an alluring prize to the middle and lower classes of the old world.

The matter of land grants by the colonial governments is, however, a somewhat complicated subject. It is difficult to determine just what authority the colonial assemblies exer-

cised over the unsettled lands of the several colonies. Their control varied as the government was Charter, Proprietary, or Royal.

In the first, as in Massachusetts, the legislature apparently had full control over the public domain of the colony, and authorized the disposal of all unsettled lands.

In the second class there seems to have been a joint or separate control on the part of the proprietor and of the assembly; <sup>1</sup> as we find several legislative acts granting lands to settlers already in the country, or as an inducement to encourage the immigration of others; though there are frequent instances of the proprietor or his representative disposing of lands independently of the assembly.

In the last class the same condition of affairs existed, there being several instances where the colonial legislature made grants of land for the encouragement of immigration; though, of course, their action was subject to the disapproval of the Royal Governor, as he was supposed to exercise the right of disposing finally of the unsettled lands of the jurisdiction.<sup>2</sup>

It is evident that the colonial authorities fully comprehended what a great attraction ownership of land was to the people of Europe; for we find their records full of acts granting lands on such conditions as would offer the greatest inducements to settlers.

These took a variety of forms: An exemption from taxes for a term of years;<sup>3</sup> special facilities for surveying and plotting; security and guarantee of title, were some of the most frequent of these inducements. These favors were so generous in many cases as to attract, not only immigrants from Europe, but from some of the other colonies as well; and so, along with the great immigration from the old world,

<sup>1</sup> *Maryland Assembly Proceedings* (1637).

<sup>2</sup> *Hening's Statutes*, iii, 304.

<sup>3</sup> *Acts of the Assembly of North Carolina* (1715).

there was maintained a very considerable inter-colonial migration.<sup>1</sup>

Next to land the greatest inducement was *tolerance in religion*. Indeed, most historians credit the latter with being the more powerful attraction of the two. It appears as an important factor in the settlement of the first permanent English colonies, and during the seventeenth and eighteenth centuries America was regarded as a place of refuge from the religious intolerance and persecution of Europe. But, although religious tolerance was one of the prime motives for colonization, it is nevertheless a matter of common knowledge that the first colonists did not welcome others differing from them in beliefs. We shall see further along how effectually this attitude served as a check to immigration, which would have otherwise flowed into those provinces.

Maryland was the first colony to lay especial emphasis on the matter of religious tolerance; and the Act of her Assembly of 1649 is the first colonial legislation offering anything like a broad toleration. Not until the founding of Pennsylvania was a more liberal policy advocated. In fact, the high stand taken by Maryland was not maintained; and the eighteenth century found most of the colonies with very harsh statutes against the Roman Catholics,<sup>2</sup> though tolerant of Protestant creeds. Curiously enough these acts restricted the immigration of British subjects; for it was England that persecuted the Catholics and encouraged the coming of the Protestants from other countries where the former were cruelly intolerant.

The condition of Europe in this respect during the seventeenth and eighteenth centuries is well known. It needs only a cursory knowledge of the situation to understand what an inducement even a partial freedom from religious perse-

<sup>1</sup> Ramsay, *South Carolina*, i, 20.

<sup>2</sup> Shea, *History of Catholics in the Colonies*, 357.

cution would be to the people of the continent. We have here the key to the enormous immigration of Germans, French, and Swiss during the first half of the eighteenth century. By the Act of Succession, England had formally decided her religious character and made herself the acknowledged champion of Protestantism among the nations of Europe. Nor did she falter in her trust. An official invitation was extended to the persecuted Protestants of all countries, announcing that England's colonies in America would welcome them and grant them freedom in religious worship.<sup>1</sup> Thousands accepted the offer. A large part of them sought the colonies direct; but many first made their way to England, and were sent over under government supervision and patronage.<sup>2</sup> In this policy the colonial governments, as a rule, heartily co-operated with the authorities in England, and entered into competition for the securing of a fair share of this immigration.<sup>3</sup>

Another inducement used by the colonies to attract settlers was *naturalization*. According to the laws of England, under which the colonies were theoretically governed, no alien could hold or bequeath property. The trouble and delay avoided by securing these rights, which the colonies offered through naturalization or denization, became an important factor in attracting alien settlers. That the colonists were conscious of this, is seen in the preambles of their Naturalization Acts, which set forth as a distinctive object the encouragement of new settlers.<sup>4</sup> There was, however, apparently no attempt at uniformity among the

<sup>1</sup> Proclamation of Queen Anne to the Protestants of Germany. Rupp's *Collections*, 5.

<sup>2</sup> *Documentary Hist. of N. Y.*, iii, 423.

<sup>3</sup> Baird, *Huguenot Emigration to America*, ii, 169.

<sup>4</sup> Maryland *Archives*, iii, 466. *Documents relating to the Colonial History of New York*, v, 469.

colonies, as regards the time of residence necessary before naturalization was conferred. It varied all the way from twenty years to a few months; and, in many cases, letters of naturalization were even issued to aliens in England; so that they landed in the colonies with all the rights and privileges of British subjects.<sup>1</sup>

Still another expedient adopted by the colonies to promote the peopling of their lands was the offering of *bounties*. This took the form either of money payments to the actual settlers or of rewards to agents who would induce a certain number of foreigners to immigrate and to settle in the colony. In some instances it was a reward to the master of the vessel;<sup>2</sup> and again it was given to the settlers in the form of tools and agricultural implements.<sup>3</sup>

The great demand for labor led to various expedients for encouraging the importation of servants and laborers. In Pennsylvania and in some of the southern colonies the immigration of white servants was fostered by paying their passage money, and thereby securing their services for a term of years. These "Redemptioners" as they were called, were thus enabled to make their way to the colonies, and in a few years to establish homes of their own.<sup>4</sup> The importation of Negro and Indian servants received both encouragement and restriction, depending, of course, upon the colony and the period of time.

The New England and Middle Colonies never officially encouraged the importation of slaves; the Southern Colonies on the other hand were somewhat vacillating in their legis-

<sup>1</sup> Baird, *Huguenot Emigration to America*, ii, 173. In 1740 Parliament passed a general Naturalization Act for the Colonies. 13 Geo. II. c. 4. *Acts of Parliament*.

<sup>2</sup> Ramsay, *South Carolina*, i, 10.

<sup>3</sup> Rupp's *Collections*, 14.

<sup>4</sup> Watson's *Annals*, ii, 266.

lation on this matter; sometimes encouraging and then passing measures to restrict greatly and even to prohibit the importation of slaves.<sup>1</sup>

As has already been intimated, the colonial legislatures, especially under Royal and Proprietary control, were not free to act as they chose in the matter of encouraging or restricting immigration. The ownership of the land being in the hands of either the King or the Proprietor, they sold or allotted it at their pleasure, made contracts for the immigration of settlers, and otherwise carried on matters to further their own interests. Much of the correspondence between the Colonial Governors and the home authorities relates to the disposition of new settlers; and their messages to the assemblies frequently urge greater care and attention to the peopling of unoccupied lands.<sup>2</sup> The colonists themselves, or their representatives in the Assembly could do little in the matter, other than attempt friendly co-operation with the King or Proprietors; and most of their legislation on the subject either was due to the expressed wish of these authorities, or was in line with their general policy.

The Charter Governments, on the contrary, assumed a more independent attitude. Although we find very few measures expressly intended to encourage immigration, yet we shall see that they took very decided ground on the question of anti-immigration.

<sup>1</sup> Du Bois, *Suppression of the African Slave Trade*, Harvard Historical Studies, i.

<sup>2</sup> *Journal of the Assembly of N. Y.*, i, 756.

## CHAPTER III

### ANTI-IMMIGRATION LAWS

As might naturally be supposed, the anti-immigration laws passed by the American colonists were few in number, and very limited in their application. During the first century of English colonization, when but comparatively few people were scattered along the Atlantic coast, when *labor* was everything, *land* nothing, and the lives of the settlers were in imminent danger from wild beasts and wilder men, it could hardly be expected that the colonists would place many restrictions on any immigrants who were daring enough to endure the hardships of making a home in this new country, and who could aid them in repelling hostile foes, and bear a share of the common burdens. And, indeed, we shall find our supposition quite correct.

Although most of the settlements were made by Englishmen, they nevertheless differed fundamentally in character and purpose, and pursued, in some instances, widely varying policies in the admission of new settlers. Massachusetts discouraged the coming of all who did not agree with her policy of ecclesiastical domination.<sup>1</sup> Virginia, whose founders were avowed Episcopalians, wanted no Non-Conformists, and took active measures to enforce this policy.<sup>2</sup>

The fact that England undertook the colonization of this country made it certain that Protestantism was to be the dominating religion of the colonies; and the records of their

<sup>1</sup> Winthrop, *Life and Letters of Gov. Winthrop*, 182.

<sup>2</sup> Hening's *Statutes*, i, 155.

legislation show a general tendency to restrict the immigration of Catholic settlers. These statutes vary in purpose from absolute prohibition, in the Puritan colonies, to petty regulations and annoyances, as practiced in some of the middle colonies.

Many of the early charters expressly, or impliedly, forbade the admission of Catholics,<sup>1</sup> and during the first part of the seventeenth century the immigration of this sect was so unimportant that no especial attention was given to them outside a few of the colonies. But with the final commitment of England to the cause of Protestantism there were severe parliamentary statutes passed against the Catholics, which were soon, either wholly or partially, embodied in colonial legislation. The colonial archives of the period are filled with laws placing restrictions in the way of Catholic settlers. These took the form of a duty on Irish Catholic servants; a positive prohibition of the Roman worship; a double tax on their lands; and the "Abjuration Oath," which practically excluded members of this faith, unless they chose to break their vows.<sup>2</sup>

Strangers were legitimate objects of suspicion in the early colonization days, apparently as much from the fear that they might become a burden on the community, because of indigence, as from their possible hostile attitude to the religious and secular government of the colony. The New England colonies were especially circumspect in the admission of strangers, and passed heavy fines on those who brought in or entertained strangers without leave from the authorities.<sup>3</sup> This cautious attitude was quite generally maintained

<sup>1</sup> Charter of 1609. *Charters and Constitutions of U. S.*, ii, 1902.

<sup>2</sup> See Maryland *Archives* and Hening's *Statutes* for the last quarter of the seventeenth century and the first half of the eighteenth.

<sup>3</sup> *N. H. Prov. Papers*, i, 407. *Acts and Resolves* (Mass.), iii, 982. Brigham's *Laws* (Plymouth), 150.

by the Puritan settlements, and in the eighteenth century Massachusetts passed several elaborate acts regulating the admission of immigrants, practically excluding those whose personal effects were not sufficient to enable them to begin life in the colony without the aid of the older settlers.<sup>1</sup>

The great influx of Germans into the middle states from 1700 to 1750 raised problems which have a familiar sound to those who have followed the arguments on the immigration question of our own times. The immigration of foreigners into Pennsylvania became so great that the danger of its degenerating into a foreign colony was openly proclaimed,<sup>2</sup> and for a few months in the year 1729 the Quaker province had on her statute book the most comprehensive anti-immigration act ever passed in America, namely, a tax on all foreigners coming into the colony.<sup>3</sup>

One of the most instructive and interesting phases of colonial immigration is that which concerns the transportation of convicts. Some of the earliest tracts in advocating the further exploration and settlement of America by the English, set forth the possibility of relieving the mother country of her indigent and criminal classes by transporting them to the new world.<sup>4</sup> This system of deportation of criminals was quite possibly suggested by the fact that the natural products of the southern colonies rendered the "plantation system" the most effective, and created a demand for servant labor. From a very early date, therefore, the importation of convicts was adopted as a wise economic and

<sup>1</sup> *Acts and Resolves*, ii, 337.

<sup>2</sup> Douglass' *Summary*, ii, 326.

<sup>3</sup> *Colonial Records of Penna.*, iii, 395.

<sup>4</sup> "We might inhabit some part of those countries and settle there such needy of our own which now trouble the Commonwealth, and through want here at home are enforced to commit outrageous offences, whereby they are daily consumed by the gallows." "*A Discourse to prove a passage by the Northwest to Cataya and the East Indies*," by Sir Humphrey Gilbert. *Hakluyt*, iii, 32.

social scheme. England would thus be relieved of the burden; the changed environment would have a tendency to improve the character of the criminal, and the planters would have the benefit of their labor.

But, however admirable as a theory, the practical results were far from satisfactory. When the system began to assume a definite organization, and finally received parliamentary sanction, a vigorous protest went up from the colonists.<sup>1</sup> Absolute prohibition, restrictive duties, and systematic regulation were at different times embodied in colonial legislation; but, for the most part, all were disallowed by the English authorities. Thousands of these convicts were thus forced on the colonies, and not until they had secured their political independence were they able to prohibit the traffic.

<sup>1</sup> It was expected that Geo. III. would relieve them from this burden, and when he showed no endeavor in that direction, Franklin is said to have observed that the colonists ought to send a rattlesnake for the King's garden as a suitable present in return.

## PART II DETAILED SURVEY

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### CHAPTER IV

#### IMMIGRATION LAWS OF THE NEW ENGLAND COLONIES

IT is a remarkable coincidence that the portion of America to which, in 1614, John Smith gave the name of New England, should prove to be the place which, on account of its future inhabitants and institutions, most appropriately deserved the name. To no other colony or group of colonies could the designation have been so aptly applied; for in none of them did the English blood remain so pure, and the English traits of character continue so unchanged.

Palfrey, in his "History of New England," says: "The founders of the commonwealths of New England were Englishmen. Their immigration to this section began in 1620. It was inconsiderable till 1630. At the end of ten years more it had almost ceased. A people at that time of about 20,000 persons thenceforward multiplied on their own soil in remarkable seclusion from other communities for nearly a century and a half." During these years hundreds of thousands of Europeans of various nationalities sought homes in the English colonies of America, bringing with them their diversified customs and creeds, amalgamating with the earlier settlers, and greatly modifying their distinctive traits; but very few of this great throng made their way to the colonies of New England, and the few who did left no mark of their existence on the community life.

One reason for this almost universal neglect of New Eng-

land, after 1640, by the immigrants from Europe is very apparent. It was due to the quality and comparative scarcity of the land, and to the rigor of the climate. To the south of these shores were vast tracts of unappropriated land, incomparably more fertile and productive, and possessing a climate almost tropical in comparison with that of this latitude. Naturally such places would attract the immigrants from Europe who were desirous of establishing homes in America, and whose only capital was strong bodies and a willingness to work. But this reason, while fundamental, does not adequately explain the phenomenon. A study of the history of the Englishmen who settled in this section reveals the fact that it was not wholly involuntary, on their part, that no appreciable portion of the great migratory wave touched their shores. Indeed, we shall find that it was their avowed policy and studied effort to prevent any considerable influx of foreigners, differing from them in language and customs. The admission of a body of foreigners, such as poured into Pennsylvania and the southern colonies, during the first half of the 18th century, they would have deemed a great calamity. In various ways, therefore, they set up barriers which repelled many who might otherwise have settled among them; and thus, while to the south there was developing a cosmopolitan nation, the inhabitants of New England lived on practically untouched by the great ethnic currents until the present century.

#### MASSACHUSETTS.

It seems a fair inference, from the writings of the founders of the Massachusetts Bay Colony, and from a careful study of their early government, that it was their aim to found a state based on the Scriptures, interpreted strictly according to their own ideas. Accordingly, it seemed wise and even essential that all persons differing in matters of faith and

worship should be prohibited from settling amongst them. One of the earliest laws of the colony restricted political franchise to members of the established church, and for a few years the little commonwealth seemed in a fair way to develop along the lines of its leaders. But gradually dissent and even opposition arose; and, in May of 1637, the General Court passed an order to the effect that no town or person in the colony should receive or entertain any newcomer without permission of the authorities.<sup>1</sup> The famous "Antinomian Controversy" was at its height; and, accordingly, the order called forth bitter criticism from the opposition, it being urged that the object of the measure was to prevent any additions, from abroad, to their faction. Governor Winthrop felt called upon to defend the action of the Court, which he did in a somewhat lengthy, but exceedingly able argument.<sup>2</sup> The charter gave them authority to protect themselves "by all fitting ways and means whatsoever, from all such persons as should attempt the destruction, invasion, detriment, or annoyance of any of the plantations or inhabitants thereof."

Winthrop evidently had that clause in mind when he penned his defense, though he makes no reference to it.

<sup>1</sup>"It is ordered that no Town or person shall receive any stranger resorting hither with intent to reside . . . or entertain any such above three weeks, except such persons shall have allowance under the hands of some one of the counsellors, or two other magistrates . . . upon pain that every Town shall forfeit £100 for every offense." *Records of Mass. Bay Colony*, i, 196.

Plymouth Colony had passed a similar law the preceding year. Brigham's *Laws*, 57.

<sup>2</sup>" . . . If we heere be a corporation established by free consent, if the place of our cohabitation be our owne, then no man hath a right to come into us without our consent . . . If we are bound to keep off whatsoever appears to tend to our ruine or damage, then may we lawfully refuse to receive such whose dispositions suite not with ours and whose society (we know) will be hurtful to us." A Defence of an order of the Court, 1637. *Life and Letters of John Winthrop*, 182.

This early law contained nothing whatever of persecution or any attempt to interfere with freedom of conscience. It was simply a decree of non-admission for the purpose of preventing political strife or an economic burden, and to make more secure the success of their enterprise. The magistrates apparently had few occasions to refuse admission to new-comers. By the year 1640 immigration had practically ceased, and the policy of the Massachusetts Bay Colony was becoming pretty well known in England.<sup>1</sup> Until the arrival of the Quakers about fifteen years later, but few persons sought these shores who were not in sympathy with the aim and purpose of the colony. The only exception to this statement was in 1645, when some of the towns made complaint that they were being burdened with the increasing number of poor and indigent settlers. The General Court appointed a committee of three to formulate a law in regard to this matter.<sup>2</sup> The report of the committee does not appear in the proceedings; but ten years later the matter was again brought to the notice of the court, which enacted an order to prevent the growing evil.<sup>3</sup>

<sup>1</sup> "Twenty thousand persons had removed thither before the year 1641, when the ardor of emigration cooled, owing no less to the meeting of Parliament than to apprehensions from her rigour and to the folly of her laws; which preferred orthodoxy of faith to augmentation of numbers." Chalmer's *America*, 79.

<sup>2</sup> *Records of Mass. Bay Colony*, iii, 15.

<sup>3</sup> "There being complaint to this Court of very great change arising in several Towns by reason of strangers pressing in without the consent or approbation of the inhabitants, and there being no law to prevent the same; this Court doth therefore order, that henceforth all Towns in this jurisdiction shall have liberty to prevent the coming in of such as come from other parts of these jurisdictions, and all such persons as shall bee brought into any such Town without the consent and allowance of the prudential men shall not be chargeable to the Town where they dwell, but if necessity require shall be relieved and maintained by those that were the cause of their coming in, of whom the Town or Selectmen are hereby empowered to require security at their entrance or else forbid their entertainment." *Records of Mass. Bay Colony*, iii, 376.

It is not our purpose to dwell at any length on that tragical period in the history of New England which has since called forth so many discussions and controversies, both of defense and denunciation—the persecution of the Quakers.

For a period of several years, beginning with 1656, the records of the Massachusetts Bay Colony, and indeed of all of the New England Colonies, except Rhode Island, are filled with legislation designed to prevent the coming of the Quakers and the spread of their "accursed tenets." Whippings, imprisonment, banishment, and in a few instances capital punishment, were the order of the day.<sup>1</sup> To what extent these various laws restricted the immigration of this sect, it is, of course, impossible to ascertain. That they were not prohibitive, and consequently did not meet the expectations of the authorities, is painfully evident; for, in spite of the severe penalties, members of that sect continued to come, and under the provisions of the laws were enacted cruelties, the justification of which calls for a generous stretch of historical charity. There can be but little doubt, however, that many Quakers were deterred from immigrating to these inhospitable shores; while, judging from the throngs that afterward poured into Pennsylvania and the Jerseys, it is fair to presume that, had they received a welcome to the New England Colonies, instead of persecution and banishment, a very considerable number would have found homes in that section.

The charter of the Massachusetts Bay Company contained no direct or implied reference to Catholics, and nearly a quarter of a century passed before laws aimed at their exclusion were passed; though it is very probable that none

<sup>1</sup>*Records of Mass. Bay Colony, 1656-1661.* Brigham's *Laws* (Plymouth Colony). *Acts of the Commissioners of the United Colonies.* *Plymouth Col. Records*, x, 155.

of that persuasion were permitted to live in either of the Massachusetts Colonies. The order giving magistrates full authority over the admission of immigrants, could easily be made to exclude all persons professing obedience to the Church of Rome. The French Catholics had made settlements in the valley of the St. Lawrence and on the shores of Nova Scotia long before the establishment of permanent colonies in New England; and ten years before the landing of the Pilgrims, the Jesuits had made their way to the French settlements. From that time until the American Revolution, this strange sect, largely because of their influence over the Indians, became the terror of the frontier settlers, and their presence in any of the colonies was an occasion for alarm and distrust.

The first act passed by the Massachusetts Colony against them was in 1647, and the fear with which they were regarded may be inferred from the preamble of the law.<sup>1</sup> The Act itself ordered that all Jesuits and other ecclesiastical persons ordained by the Pope should not enter the jurisdiction of the Colony; persons suspected of belonging to that order were to be subjected to banishment, and if taken a second time the penalty was death. However, if Providence saw fit to inflict just punishment, the authorities evidently did not presume to add the effects of their wrath; and to this end it was provided that all Jesuits and Priests cast ashore by shipwreck should be allowed sufficient time to take passage for some other port.

Nothing further is found on this subject until the year

<sup>1</sup> "This Court taking into consideration the great wars, combustions and divisions which are this day in Europe, and that the same are observed to be raised and fomented chiefly by the secret undermining and solicitations of those of the Jesuitical Order, men brought up and devoted to the religion and Court of Rome, which hath occasioned divers states to expel them from their territories, for the prevention whereof among ourselves: It is ordered," etc. *Records of Mass.*, ii, 193.

1700, when the Court again declared that the Jesuits and Popish Priests had "by subtile insinuations seduced and withdrawn the Indians from obedience, and stirred them up to sedition and open rebellion."<sup>1</sup> To prevent this threatened calamity, all such persons then within the jurisdiction should immediately depart or suffer "perpetual punishment."

In a letter published among the Hutchinson Papers, a writer of that period declares, "The aim of the Jesuits is to engage the Indians to subdue New England."<sup>2</sup> The wonderful influence which they exerted over the Indians, and the fear that they would incite the savages to massacre the English settlers seems to have been the chief motive in all the colonies for the severe laws which were passed against that Order. Whether these laws likewise served to restrict the immigration of Catholic laymen can only be conjectured. It is certain that no appreciable number of that sect were to be found in Massachusetts prior to the Revolution. They could not become citizens or voters, being unable to take the necessary oath of allegiance; and in various other ways the Massachusetts Colony manifested her unwillingness to receive settlers of that persuasion.

Slavery was a small factor in New England because economic laws forbade its growth; nevertheless, it was recognized as an institution in the "Body of Liberties" (1641)—"There shall be no bond slavery, villainage, or captivity amongst us, unless it be lawful captives taken in just wars, and such strangers as willingly sell themselves or are sold to us." The Puritan authorities, however, were sticklers for conscience; and, in 1646, we find an order of the General Court protesting against the crime of man-stealing, and ordering that certain negroes, who had been surreptitiously

<sup>1</sup> *Acts and Resolves*, i, 423.

<sup>2</sup> Hutchinson Papers: *Mass. Historical Coll.*, 3d series, i, 108.

captured and brought into the Colony be returned to their own country, "Ginny."<sup>1</sup>

But, although economic laws forbade the growth of slavery in New England, her merchants and ship-owners found the slave-trade profitable; and scores of their vessels were engaged in a triangular trade, carrying negroes from Africa to the West Indies, molasses from the Indies to New England, and rum to Africa. On this account there was a limited importation of slaves into this section.

In 1705 the Court took cognizance of this matter, and in a measure entitled, "An act for the better preventing of a spurious and mixed issue," inserted a clause designed to restrict the importation of slaves.<sup>2</sup> Masters of vessels were required to pay £4 duty on every negro imported. Whether this act was never transmitted to England, or whether its title deceived the home authorities, is a matter of doubt; for in 1609, the Lords of Trade wrote to Gov. Dudley concerning the tax on negroes, reprimanding him for not reporting the measure.<sup>3</sup> In 1718 a committee appointed by the Governor and Council to consider some expedient for raising the value of the bills of credit of the Province reported, "that the importation of white servants

<sup>1</sup> *Mass. Records*, ii, 168.

<sup>2</sup> *Acts and Resolves*, i, 578.

<sup>3</sup> "We take notice that you say the Assembly of Mass. have by an Act passed about three years ago laid a duty of £4 per head upon negroes. You ought to have acquainted us with the year the said Act was passed and given us the title, for we can find none such among those we have. . . . One of the reasons you give why negroes are not desired in New England is because it being on the continent the negroes have thereby an opportunity of running away. The same reason will hold in Carolina, Virginia and Maryland, which are also upon the Continent where negroes are so valuable." In reply Gov. Dudley wrote: "Though the reason that I formerly assigned of negroes running from us seems to be equal with Carolina and the other colonies, the force of it continues, because they will run to the southward for warmer weather, as the cold is disagreeable to them." *Acts and Resolves*, i, 578.

be encouraged, and that the importation of black servants be discouraged."<sup>1</sup>

The economic side of the question appealed strongly to them. Among the first arguments used against slavery was the proposition that blacks, coming in to be bought, kept out white laborers who would come owning themselves; therefore, the true capital of the community was diminished by a bond slave, while it might be increased by a free servant coming in. Other laws, tending toward the total prohibition of the importation of slaves, were enacted during the first part of the eighteenth century; and these together with the unfavorable physical environment prevented any considerable development of the institution in Massachusetts.

Nine years after the union of the two Massachusetts colonies (1700) an elaborate law regulating immigration was enacted.<sup>2</sup> Masters of vessels were required to furnish the receiver of imports with a complete list of passengers, and also an account of their circumstances, as far as could be ascertained, "No lame, impotent, or infirm persons, incapable of maintaining themselves, should be received without first giving security that the town in which they settled would not be charged with their support." In default of this security the master of the vessel was obliged to carry such persons back to their former homes. This law of 1700 made further provisions for the listing of immigrants by the ships' officers only where there was a port of entry; and thus, at many places where imposts were not collected, the people complained of the landing of objectionable persons in spite of their protests. Accordingly, in June, 1722, the Act was amended giving the Selectmen of any town authority to receive a passenger list from captains of vessels, and also to demand security for the maintenance of paupers,

<sup>1</sup> *Acts and Resolves*, i, 580. *Council Records*, x, 259, 260.

<sup>2</sup> *Acts and Resolves*, i, 452.

or even to refuse their admission.<sup>1</sup> This measure seems not to have given entire satisfaction; and two years later, it being found "that the Act of 1722 laid difficulties in the way of trade, when the intent was only to prevent the importation of poor, vicious and infirm persons," another law was passed. This new act provided, as before, for the presentation of a passenger list; but all immigrants who brought with them effects to the value of £50 (not including necessary household goods and wearing apparel), likewise all able-bodied husbandmen, marines, hand-carpenters, laborers, and indentured servants provided they were not persons of vicious habits, were to be admitted without giving security.<sup>2</sup>

The last act of this nature was passed in 1756,<sup>3</sup> and expressly prohibited the landing of sick, impotent or infirm persons "from foreign parts or other colonies," unless by the consent of the Selectmen of the town, and after the usual security from the master of the vessel.

In his very interesting sketch of the American Colonies, written about 1760,<sup>4</sup> the English traveler Burnaby, after visiting the Southern and Middle Colonies, notes the extreme exclusiveness of the New England Colonies in their attitude toward European immigrants, and refers to the above laws as being very "impolitic;" though another writer of the same period observes "that the New England Colonists are prosperous and happy, and there are no beggars in the country."<sup>5</sup>

We have thus studied the laws of the Massachusetts Colonies to regulate and restrict immigration; their enactments to foster and encourage the coming of new settlers remain to be presented. As has already been intimated, their

<sup>1</sup> *Acts and Resolves*, ii, 244.

<sup>2</sup> *Acts and Resolves*, ii, 337.

<sup>3</sup> *Ibid.*, iii, 982.

<sup>4</sup> *Burnaby's Travels*, 112.

<sup>5</sup> Major Rogers, *Concise Account of North America*, 65.

efforts in that direction were extremely meagre. With proper inducements they might have secured a considerable portion of the great Protestant emigration of the eighteenth century; but such evidently was not their desire; and it was with no jealous eye that they beheld the multitudes pass them by and pour into the colonies further south.

There are several acts found in the Records of the Colonial Assembly which may be interpreted as direct or indirect encouragement to settlers, such as the granting of lands and special privileges; but nothing beyond this, until the petition from the French Refugees in 1682.<sup>1</sup> In response to this appeal the General Court set aside a substantial amount of land (the present town of Oxford.) The people of Boston, likewise, generously succored the little company of Huguenots, until they felt able to remove to their lands.<sup>2</sup>

About 1730, Massachusetts had sufficiently thawed out from what a recent writer has termed her "glacial period" to pass an act naturalizing the French Protestants then residing in the colony, even going so far as to announce that the first "lot" had conducted themselves so "seemly," that they would be pleased to receive others.<sup>3</sup>

In 1750 Massachusetts, in common with several of the colonies, enacted a measure regulating the importation of German immigrants.<sup>3</sup> This, however, was practically a sanitary measure and possessed nothing in the way of encouragement. There are no evidences that any appreciable number of Germans made their home in Massachusetts.

#### CONNECTICUT.

The settlements of Connecticut and New Haven were, to a certain extent, offshoots from the Massachusetts Bay Colony, and would naturally partake of the characteristics of

<sup>1</sup> Baird, *The Huguenots in America*, i.

<sup>2</sup> *Acts and Resolves*, ii, 586.

<sup>3</sup> *Ibid.*, iii, 982.



the parent settlement. Their records do not show as great an activity as do those of the Bay Colonies, in the matter of regulating immigration; but this may be explained by the fact that many of their settlers landed at Boston, and also, that to the Europeans all of the New England Colonies (except Rhode Island) were tainted with the exclusiveness and intolerance of Massachusetts. Nor was this judgment far from wrong, for the Records of the Connecticut Colonies show that they maintained practically the same attitude toward newcomers as did the Massachusetts Colonies.

Although possessed of the choicest land in New England, and desirous of building prosperous settlements, they nevertheless refused to attain this end by jeopardizing what to them seemed the most important purpose of their enterprise, namely, the preservation of the religious and moral tone of their government. Accordingly, they found it expedient to regulate carefully the admission of new settlers, for, as we have already seen in the case of Massachusetts, not all the immigrants were, as a modern orator has said, "the sifted grain of a continent."

The truth of the matter was, that considerable "chaff" had gotten mixed in with the wheat, and a careful winnowing was necessary; while, on the other hand, many worthy settlers were denied admission who would gladly have availed themselves of the fertile lands, but who were not in entire sympathy with the moral and religious system of government which the founders deemed so precious.

The New Haven Colony was the first to take action on the admission of settlers. In 1644 the Governor and Magistrates drew up a form of oath which they imposed on themselves and all the inhabitants, and furthermore ordered that no settlers should thereafter be admitted until they had subscribed to the oath.<sup>1</sup> Again, in 1657, it was ordered that masters of

<sup>1</sup> *New Haven Colonial Records*, i, 130.

vessels should be forced to carry away all passengers whom the towns refused to receive.<sup>1</sup> The same year Quakers were forbidden to come into the jurisdiction of the Colony.<sup>2</sup> About two years before her union with Connecticut the Court enacted that no person should be admitted to dwell within the jurisdiction, without first securing a license from the Magistrates of the Town where they chose to settle.<sup>3</sup>

Connecticut appears to have had no serious trouble, until 1660, when an Act was passed, ordering that none should be received as inhabitants but such as were known to be of an "honest conversation," and accepted by a major part of the town.<sup>4</sup> Seven years later there was considerable complaint manifested, owing to the fact "that divers persons had thrust themselves into several of the towns much to the disturbance and distrust of the better portion of the citizens," and it was enacted that such persons should forfeit 20 s. per week to the Town Treasurer, after being warned by the Selectmen to depart, and, in default of payment should be placed in the stocks for one hour, or be corporally punished.<sup>5</sup> This measure with some unimportant modifications was re-enacted in 1682 and again in 1707.<sup>6</sup>

The foreign immigration into the Connecticut valley was very meagre. In 1680, the Secretary of State for England sent to the colonies a table of inquiries, among which was a question relating to the increase of population, as follows: "What number of English, Scotch and Irish foreigners have, during the past seven years, or during any other space of time, come yearly to plant and inhabit within your corporation; and also what blacks and slaves have been brought in within the said time, and at what rates?" To this query

<sup>1</sup> New Haven *Colonial Records*, 217.

<sup>2</sup> *Ibid.*, ii, 215.

<sup>3</sup> *Ibid.*, ii, 610.

<sup>4</sup> Conn. *Colonial Records*, i, 351.

<sup>5</sup> *Ibid.*, ii, 66.

<sup>6</sup> *Ibid.*, iii, 111; v, 21.

the Connecticut authorities responded "for English, Scotch and Irish, there are so few come in that we cannot give a certain account: some years come none; sometimes a family or two in a year. As for blacks, there come sometimes three or four in a year from Barbadoes, and they are sold usually at the rate of 22£ apiece."<sup>1</sup>

Connecticut of all the English colonies in America, probably received the smallest number of immigrants from Europe. Her population at the breaking out of the Revolution was practically of pure English descent, and had multiplied by natural increase from the few thousands who made their way thither during the Puritan immigration.<sup>2</sup>

#### RHODE ISLAND.

Had Roger Williams and his associates been possessed of a tract of land as large and fertile as that granted to William Penn, it is very probable that Rhode Island would have become one of the most populous of the colonies. Established, as it was, on the broad basis of perfect religious freedom, and with but few restraints on civil liberty, it apparently lacked nothing but wider boundaries to have proved one of the great Meccas for European immigration during the seventeenth and eighteenth centuries. The records of the colony contain almost nothing in the way of legislation obviously intended to regulate immigration. The great variety of nationalities and religious sects which existed there, and which always struck the attention of foreign

<sup>1</sup> Conn. *Colony Records*, iii, 298.

<sup>2</sup> Nearly one hundred years after the questions above referred to, the Secretary of Conn., in 1774, replied to a similar list sent out from the Home Government as follows: "The inhabitants have increased 52,266 in ten years, . . . which increase we attribute to industrious temperate life and early marriages. And it would probably have been greater had it not been for losses sustained during the war, and frequent and numerous emigrations from hence to his Majesties newly conquered or evacuated countries in America." Conn. *Col. Records*, iii, 299.

travellers as contrasting with most of the other provinces, are evidence that the authorities gave little or no attention to the admission of settlers. The one exception to this general statement is found in the law of 1700<sup>1</sup> which imposed a bond of £50 on masters of vessels bringing in foreigners from places outside of "Great Britain, Ireland, Jersey and Guernsey," as a guarantee that the passengers whom they landed would not prove a burden to the colony.

The much-disputed clause in the statute of 1663, denying the privileges of freemen to Roman Catholics, may be construed as an attempt to restrict the coming of that sect; but even if it were enacted and enforced as a law of the colony, compared to the laws against Roman Catholics in most of the other colonies it was mild indeed, and hardly served as a formidable barrier to any of that faith who might be desirous of settling there.<sup>2</sup>

Rhode Island, as did the other New England Colonies, attempted to prohibit the importation of slaves, and in 1652 passed an act looking in that direction;<sup>3</sup> but as several of her merchants had vessels engaged in the trade there were as many negroes imported as the unfavorable economic conditions would allow.

#### SUMMARY.

Having studied with some detail the attitude of the New

<sup>1</sup> *Colonial Laws of R. I., 1663-1767.* This was re-enacted in 1729.

<sup>2</sup> One, Major Rogers, in his *Concise Account of North America*, written in 1765, speaks of Rhode Island as follows: "There are in this colony men of almost every religious persuasion in the world. The greatest number are Quakers, and many have no religion at all, at least profess none. On which account no questions are here asked, every man being left to think and act for himself, of which neither the laws nor his neighbors take cognizance. So greatly is their liberty degenerated into licentiousness that this province is also infested with a rascally set of Jews, who fail not to take advantage here given to men of all professions and religions." Major Rogers, *Concise Account of N. A.*, 58, 59.

<sup>3</sup> R. I. *Colonial Records*, i, 243.

England settlements toward European immigration,<sup>1</sup> let us before passing to the other colonies take a summary view of the field thus far covered. We have seen that among the motives of the founders of these commonwealths the religious element predominated. The early settlers were almost wholly from the ranks of the Puritan party in England, who under pressure of actual or threatened persecution had left their native country and established themselves in that part of America. The leaders of the movement, those who directed its early course, and whose influence for a century after their death shaped the policy of the colonies, had well-defined ideas of the aim and purpose of their enterprise. To realize these ends it seemed to them necessary to ascertain carefully the character of the prospective settlers and to exclude those whom they, for any reason, deemed unfit to become associates in their project. While anxiously attentive to the worldly prosperity of their colonies, yet the religious and moral character seeming to them most important, they naturally preferred orthodoxy of faith to augmentation of numbers. Accordingly we find their early records full of laws against the admission of all persons differing from them in matters of faith and worship, which practically amount to an exclusion not only of all other nationalities, but of many persons from Great Britain as well.

Having made their settlements at times sufficiently late to profit by the disastrous failure of former attempts, especially in those cases where the colonists were indigent or immoral and vicious, they wisely refused to receive any of those classes. We cannot help but feel, however, that they were too careful on the point of indigency during the first half of the eighteenth century, when thousands of poor but thrifty settlers from the continent were seeking homes in the

<sup>1</sup> There is practically nothing in the records of New Hampshire bearing on the subject of immigration.

colonies—men who demonstrated that they needed but the opportunity in order to bring forth abundant wealth from the resources of the country; but who, when they emigrated, could hardly have passed the requirements of admission in the New England Colonies. But the specific laws we have been considering were, perhaps, less effective as barriers to foreign immigration than the rigor and harshness of Puritan legislation along other lines. Puritanism in New England was too austere, too painfully conscientious and moral to attract many settlers; while her sumptuary laws and barbarous punishments were repelling even to the persecuted peasant of Continental Europe.

Assuming that their policy and its results were for the best, it was fortunate that they chose to settle in New England, where the scanty soil and rigorous climate aided them in their efforts toward exclusion. Indeed, it seems hardly possible that their experiment could have succeeded at all further south, where inexhaustible acres of fertile land and a mild climate invited the industrious settler to generous rewards. Had Winthrop and his associates settled in Pennsylvania or further south, it is highly improbable that a scriptural code or an occasional banishment or hanging would have deterred the hardy Germans, Scotch and Irish from settling on their unappropriated lands, and the Puritan commonwealth would probably have died with its founders.

## CHAPTER V

### IMMIGRATION LAWS OF THE MIDDLE COLONIES

LYING between the Puritan Commonwealths of New England and the Provinces of the South was the group of Middle Colonies, embracing New York, Pennsylvania, New Jersey and Delaware. Possessing ample territory of great fertility, magnificent harbors and rivers, and maintaining a generous policy in religious and political affairs, these colonies proved extremely inviting to the immigrants from Europe. Especially during the Protestant migration of the eighteenth century new settlers liberally flocked to this section, attracted thither by the favorable conditions in the granting of land, and by the liberal treatment accorded to them in other ways.

At the close of the colonial period this group possessed the most mixed population of any of the colonies. Besides Englishmen, there were representatives from almost every country in Europe: Scotch, Highlanders and Lowlanders, Scotch-Irish, French Huguenots, Germans from various parts of the Empire, Dutch, Swedes, Finns and a few Jews. Quite naturally, amid such a variety of nationalities, there existed a diversity of religious persuasions which shows clearly the tolerant spirit that must have existed in those colonies.<sup>1</sup>

#### NEW YORK.

New York, the most northern of the group, was originally settled by the Dutch, who established settlements along the

<sup>1</sup> "Toleration made Pennsylvania a religious museum. In it, besides the Quakers, were Anglicans, Lutherans, Scotch Presbyterians, Palatines, Dunkers, Pietists, and Roman Catholics, though the latter, there as elsewhere, were under a ban of suspicion."

Hudson river early in the seventeenth century. For the forty or more years, during which they controlled the Colony, no plans seem to have been attempted to make it anything more than an exclusively Dutch settlement. To encourage the peopling of the country, an elaborate system of patroonships was adopted by the Company owning the territory. Persons transporting a certain number of settlers were invested with vast grants of land over which they exercised seignorial sway.

In 1664, England had put a stop to the constant strife which had been going on between her colonies and New Netherlands by forcibly assuming the government of the latter colony and granting the territory to the Duke of York, afterwards James I. The Dutch inhabitants were naturalized, the name of their settlement changed in honor of its proprietor, and New York soon became one of the Royal Provinces. During the remainder of the 17th century immigration to this colony was comparatively slight. No especial efforts seem to have been put forth, to that end, either by the home government or by the colonial authorities.<sup>1</sup> It is difficult to ascertain whether or not Catholics were excluded from the Colony during these years. In 1700 Governor Bellamont mentioned the existence of a law against Jesuits

<sup>1</sup> A glimpse of the situation, about 1687, is afforded by Governor Dongan's report to the Commissioners of Plantations. In answer to their inquirers concerning the number and character of new settlers, he replied: "I believe for these seven years last past there has not come into this province twenty English, Scotch or Irish families. But, on the contrary, on Long Island the people increase so fast that they complain for want of land, and many remove from thence into the neighboring province. But of French there have been, since my coming here, several families, both from St. Christophers and England, and a great many more are expected. (Probably French Huguenots.) Also from Holland are come several Dutch families, which is another great argument for the necessity of adding to this Government the neighboring English colonies, that a more equal balance may be kept between his Majesties natural-born subjects and foreigners, which latter are the most prevailing part of this Gov't." *Documentary History of N. Y.*, i, 103.

and Catholics, and offered a reward to the Indians for the capture and delivery of any of these persons to the Governor at Albany.<sup>1</sup> The temper of the people is likewise shown in an address of the Assembly to the Governor in 1698, in which they say, "We hope to lay the foundation of a lasting happiness to this province by uniting the minds of the people, supporting the dignity of the government, and establishing such a constitution of laws as may forever exclude Popery and Slavery."<sup>2</sup>

An interesting and instructive experiment in immigration conducted by the joint efforts of the home government and colonial authorities of New York was begun in 1709. As the champion of Protestantism, England had extended a general invitation to the persecuted Protestants of the continent to seek homes in her colonies, and offered to assist those who were too poor to pay their own way. In 1708 several thousand Germans, on special invitation from the English Government,<sup>3</sup> made their way to London, from which point they were sent to various parts of the empire. Many of these were in destitute circumstances, and wholly dependent upon the charity of the people of that city.<sup>4</sup>

In 1709 the Board of Trade for England, to whom was referred the matter of devising ways and means for transporting the exiles, presented a scheme for their removal.<sup>5</sup>

<sup>1</sup> New York *Colonial Manuscript*, iv, 736.

<sup>2</sup> New York *Colonial Laws*, i, 86.

<sup>3</sup> "There were books and papers dispersed in the Palatinate . . . to encourage the Palatines to come to England, in order to be sent to Her Majesty's Colonies in America." *Journals of the House of Commons*, xvi, 467.

<sup>4</sup> "Under various auspices a large part were transported to the colonies, several hundred were transferred to Ireland, where their descendants still reside; many of them after suffering great privation returned to their former homes, and thousands died for want of sustenance, medical attention, and from other causes." Rupp's *Collections*, 5.

<sup>5</sup> *Documents relating to the Colonial History of N. Y.*, v, 87.

The report recommended that they be settled in the royal province of New York; that they be supplied with necessary tools; have land granted to them, and be not allowed to engage in manufactures prejudicial to those of England.

After some correspondence with the colonial authorities, the scheme resolved itself into the following specific plans: That 3,000 of the Palatines were to be transported to the colony, settled on the Hudson and Mohawk Rivers, and employed in making tar and rosin for the use of the British Navy. Governor Hunter was instructed to seat them all either in a body or in different settlements, and to encourage them to work more or less in partnership, *i. e.*, three or four families in common. And, finally, they were to be naturalized and enjoy all the privileges and advantages of the other inhabitants of the colony.<sup>1</sup> Ten vessels, carrying upwards of three thousand Germans, left England on the 25th day of December, 1709, and after a stormy voyage of several months arrived at New York. Many died on the passage or soon after landing. The entire party were quartered in tents on Governor's Island, where they remained for the entire summer, being supplied with food at public expense. Many of them hired out as servants, and the Governor apprenticed the orphans to the citizens of New York and New Jersey.

In the fall of 1710 an attempt was made to carry out the instructions of the Board of Trade, but with disastrous results. Fourteen hundred of the new arrivals were settled at Livingston Manor on the Hudson river and set to making tar; but they soon grew dissatisfied with their condition, seeing that their labors were resulting in nothing permanent either for themselves or their children. "We came to America to establish our families, to secure lands for our children on which they may be able to support themselves

<sup>1</sup> *Documentary History of New York*, iii, 382.

after we die."<sup>1</sup> Thus they addressed the authorities. They were promised lands, but the governor seemed more anxious to secure enough tar to repay the home government for its loan than to settle the Germans on lands of their own, and even resorted to violent measures to secure obedience to his demands. In the dead of winter one hundred and fifty families left Livingston Manor to settle upon lands in Schoharie Valley, sixty miles distant. "They had no open road, no horses to carry or haul their luggage, and were compelled to tug this themselves on rudely constructed sleds."<sup>2</sup> Here they remained about ten years, when owing to some defect in their titles they were deprived of both lands and improvements, and induced by the generous offers of the Pennsylvania authorities, they removed to that Province. Thus there was added another to the long list of failures on part of governments and individuals to establish settlements in America on a community basis. The long line of disasters, from Raleigh's first attempts to Oglethorpe's philanthropic scheme in Georgia, fully demonstrated that it was practically impossible to devise plans in Europe for the successful management of a settlement in America.

Whatever defects the "laissez-faire" doctrine may have had in older communities, it was proved time after time to be the best theory for the colonists of the new world. With boundless opportunities for individual effort, it was clearly going against nature for governments or companies to attempt to restrain or direct the enterprise of the colonists. Wherever the government encouraged individual effort by generous grants of land and freedom from obnoxious restraints, there was success; but in every case where the settlers were restricted or compelled to labor in common or along a given plan, there resulted failure. Even when the

<sup>1</sup> *Documentary History of New York*, iii, 394.

<sup>2</sup> Rupp's *Collection of 20,000 Names*, i, 270.

disastrous outcome of their experiment was apparent, the colonial authorities of New York did not make the best of the situation, and, by liberal grants of land and hospitable treatment, aid the German immigrants to establish themselves in the province; on the contrary, they grudgingly doled out a mere scrap from their vast domain, and then refused to protect the settlers in their rights after they had spent years of labor on their lands. The Germans did not soon forget their inhospitable treatment, and later in the century when their countrymen were emigrating by the thousands, few of them could be induced to settle in New York.<sup>1</sup> Even when they were landed at the port of that province they soon made their way into Pennsylvania or re-shipped for the southern colonies.

In 1718 the Assembly made a feeble effort to encourage immigration by passing an act naturalizing all foreigners then residing in the colony.<sup>2</sup>

Several years later the authorities seemed to awaken to the situation; for we find the Governor (Crosby) admonishing the Assembly for their carelessness and neglect in

<sup>1</sup> "Though," says Peter Kahn (an eminent Swedish naturalist and philosopher who traveled in America, 1748-51), "the province of New York has been inhabited by Europeans much longer than Pennsylvania, yet it is not, by far, so populous as that colony. This cannot be ascribed to any particular discouragement arising from the nature of the soil, for that is good, but from a very different reason. (He then proceeds to relate the story of the Palatines sent over to New York, and their subsequent ill-treatment by the authorities of the colony, and their later removal to Pennsylvania.) They were exceedingly well received in Pennsylvania, got a considerable tract of land, and were indulged in great privileges, which were given them forever. Not satisfied with being themselves removed from New York, they wrote to their relations and friends in Europe and advised them, if ever they intended to emigrate to America, not to go to New York, where the Gov't had shown itself so inequitable. This advice had such influence that the Germans who afterwards went in great numbers to North America constantly avoided New York." See Rupp's *Collection of 20,000 names*, i, 270.

<sup>2</sup> *Documents relating to Col. Hist. of N. Y.*, v, 496.

the matter of encouraging new settlers.<sup>1</sup> But the subsequent records do not show that the province received any considerable proportion of the great emigration from Europe during the first half of the eighteenth century.

#### PENNSYLVANIA.

The territory of Pennsylvania was primarily purchased and founded as a safe retreat for the persecuted Quakers, but not for them exclusively. Liberty of conscience was granted to all who professed the Christian religion; and the most favorable terms, as regards lands and government, were offered to all who would settle in the Province. From a report of the Council Proceedings, in 1683, it appears that a resolution was introduced to the effect that no felons should be brought into the Colony;<sup>2</sup> but no action seems to have been taken on this proposition. A period of almost forty years passed, during which no measures against immigration were passed; and, under the freedom of religious worship and favorable guarantees of civil liberty, the Colony attracted more than its share of settlers.

In the year 1722, the question of prohibiting the importation of felons again appears, and the Records of the Assembly for that year contain "An act for imposing a duty on persons convicted of heinous crimes and imported into this province as servants or otherwise."<sup>3</sup>

<sup>1</sup> "I see with concern that whilst the neighboring provinces are filled with honest, useful and laborious white people; the truest riches and surest strength of a country; this Province seems regardless of the vast advantage which such acquisition might bring to them, and of the disadvantages that attend to the too great importation of negroes and convicts. These things are worthy of your consideration, and require your speedy attention, as the greatest good is to be expected from the one and the greatest evil from the other." *Journal of Gen'l Assembly of N. Y.*, i, 654.

<sup>2</sup> *Colonial Records of Penn'a*, i, 72.

<sup>3</sup> *Colonial Records*, iii, 163.

Five years before (1717), in the 4th year of George I.,<sup>1</sup> Parliament had passed an act for the transportation of felons into the colonies.<sup>2</sup> It recited that their laws against robbery, larceny, etc., had not proved effectual; and, "realizing" that there was a great want of servants in the colonies, Parliament generously decided to part with these classes for the benefit of the settlers on this side of the Atlantic. The colonists, however, failed to perceive the kindly intent of this action, as their legislative records for the next half century bear witness. In February, 1730, the Act of 1722 was repealed, and a more complete and specific measure was substituted.<sup>3</sup>

The practice in our times of evading the anti-Chinese law by landing the Chinamen at other than American ports, and afterward transporting them across the borders, is evidently not of modern invention; for one clause of the above act provided a heavy penalty on persons who landed convicts outside the colony, and afterward "stealthily removed," them into the jurisdiction of Pennsylvania.

The will left by Penn is proof that the philanthropic founder of Pennsylvania owned slaves; and, while the people of that state refer with pride to the strong denunciation of the slave system by the early Mennonites and Quakers, yet it is very probable that economic conditions rather than moral standards were the prime reasons for its meagre de-

<sup>1</sup> *Parliamentary Statutes*, 4th Geo. I., c. 11.

<sup>2</sup> A duty of £5 was imposed on each convict imported, and the masters of vessels required to give a bond for their good behavior for one year. Dallas' *Laws*, i, 250.

Twelve years later the law was re-enacted with some amendments, but on presentation to the King and Privy Council was disallowed on the ground that it conflicted with the Act of Parliament regarding the importation of convicts. This action of the Privy Council seems to have caused considerable feeling in the colony; a vigorous correspondence was carried on between the colonial authorities and the Proprietor in England, through whose influence the matter was amicably settled. See *Penn'a. Col. Records*, v, 499.

velopment in that province. Laws placing a duty on the importation of negroes were passed in 1705 and 1710, and the following year absolute prohibition was attempted, but the measure was disallowed by the Privy Council. From that time until the further importation of negroes was prohibited, a uniform duty of £20 per head was levied on all slaves imported into the colony.<sup>1</sup>

The German immigration into Pennsylvania during the first half of the 18th century is by far the most interesting and instructive phase of our subject, involving, as it does, the most extensive immigration of colonial times, and presenting many of the phenomena which our own age has witnessed, as the millions of Europeans have flocked to these shores. Many investigators have attempted to discover the cause of this unprecedented immigration into Pennsylvania, and with the uniform result that no one cause has been found adequate to explain all the phenomena. There were many causes, equally important, some operative in Europe and others in the colony. Penn's travels in Holland and Germany as a Quaker missionary; the broad and liberal invitation which he extended to all Europe; the generous terms on which lands were offered, together with religious and political guarantees, were among some of the attractions; while the unsettled conditions in Europe, especially the wars of Louis XIV., were the repellent forces on the other side.

There was a small party of Germans among the first settlers sent over by Penn; but during the first twenty years of the existence of the colony only a few hundred of that nationality arrived. Early in the 18th century, however, the ravages and desolations by the troops of Louis XIV. in the Protestant states of Germany drove thousands from their homes; and from that time until the middle of the century a constant stream of German immigrants poured into the

<sup>1</sup> Dallas' *Laws*, i, 87. Watson's *Annals*, ii, 263.

Quaker province. The hospitable treatment accorded to the first settlers induced them to encourage their friends to immigrate to Penn's colony, and, once started in that direction, the stream continued to flow with increasing volume. Penn had agents in the Palatinate country for the purpose of inducing the people to emigrate; and there are instances of communities, already settled in the province, sending over one of their number to induce their friends to emigrate and share in their prosperity.

We have already noted the interest which the home government under Queen Anne had taken in the peopling of her colonies by offering to aid and protect all Protestants who might settle there. This policy was continued under George I., and during the early years of his reign, his Majesty dispatched an agent to the Palatinate with a special invitation for the Mennonites who were proposing to leave their native land to settle in Pennsylvania west of the Allegheny mountains.<sup>1</sup> No systematic attempt on the part of the government to carry out the above plans seems to have been made; but undoubtedly it stimulated emigration and proved a great advertisement for Pennsylvania, as it was about this time that the arrivals of German settlers became so numerous as to attract the notice of the colonial authorities.

<sup>1</sup>This invitation is of interest to the historian as a typical emigration document of the 18th century. After mentioning the persecutions to which these people were subjected, it continues, "the King offers to them for a habitation the country west of the Allegheny Mountains, usually considered a part of Pennsylvania, but not yet belonging to it. Each family shall have fifty acres of land in fee simple, and for the first ten years the use, without charge, of as much as they shall want, subject only to the stipulation that after that time the yearly rent of one hundred acres shall be two shillings. There is land enough for 100,000 families, and they shall have permission to live there, not as foreigners, but on their engagement, under oath, to be true and obedient to the King, and to have the same rights as his natural-born subjects." Then follows a highly drawn picture of the country and its resources. *Penn'a. Magazine of History*, ii, 126.

At a meeting of the Governor and Council, September 17th, 1717, the Governor (Keith) informed the Board "that great numbers of foreigners from Germany, strangers to our language and constitution were lately imported into the Province and daily dispersed themselves without producing any certificates from whence they came or what they were." The Governor further observed that they made no application to himself or any of the magistrates, and that such "practices might be dangerous since by the same method any number of foreigners from any nation whatever, *enemies* as well as *friends* might throw themselves upon the present settlers." After due consideration by the Council it was ordered that the masters of vessels who had "imported" the immigrants should be summoned to appear and render an account of the number and character of their passengers; and that those already landed should take an oath of allegiance to his Majesty and the government. The naval officer of the port was likewise instructed to secure from masters of vessels an exact list of all their passengers.<sup>1</sup>

Thousands now began to pour into the colony, and ten years later (1727) the Governor (Patrick Gordon) informed the Council of the possible dangers arising from such a large influx of foreigners. "A vessel has just arrived," he said, "with four hundred Palatines on board, and they are soon to be followed by a much greater number. . . . They transport themselves without any leave obtained from the Crown of Great Britain, and settle themselves upon the proprietor's lands without any application to his commissioners or the government. Measures ought to be taken at once for the peace and security of the province which may be endangered by such numbers of strangers daily poured

<sup>1</sup> *Colonial Records*, iii, 29. Owing to the adoption of this measure, the names of most of the immigrants who came into Pennsylvania for the next fifty years have been preserved. Rupp's *Collections*.

in, who being ignorant of our language and laws, and settling in a body together, make, as it were, a distinct people from his Majesty's subjects."

The Board of Councillors seriously discussed the situation, and decided that, until some proper remedy could be had from England "to prevent the importation of such numbers of strangers," all these "new comers" should be examined as to their intentions, and that an instrument should be drawn up for them to sign, declaring their allegiance and subjection to the King of Great Britain, and fidelity to the Proprietary of the Province.<sup>1</sup>

It is difficult to ascertain what encouragement or aid, if any, these immigrants received from the Home Government. It is apparent from the records that many of them first made their way to England, and thence took passage for the Colonies. Most of them were very poor, and many, unable to pay all or even a part of their passage money, agreed to bind themselves as servants to settlers who would pay the Master of the vessel for their fare. These were known as Redemptioners, and many, who could not otherwise have transported themselves, were thus enabled to make their way to America and after a few years to acquire land and to become prosperous settlers.<sup>2</sup>

<sup>1</sup> *Colonial Records*, iii, 283. "We the Subscribers, natives and late inhabitants of the Palatinate upon the Rhine and places adjacent, having transported ourselves into this Province of Pennsylvania, a colony subject to the Crown of Great Britain, in hopes and expectation of finding a retreat and peaceable settlement therein: Do solemnly promise and engage that we will be faithful and bear true allegiance to his present Majesty King George II. and his successors, and will be faithful to the Proprietors of this Province; and that we will demean ourselves peaceably to all his said Majesty's subjects, and strictly observe and conform to the laws of England and of this Province to the utmost of our power and best of our understanding."

<sup>2</sup> We read of Palatine Servants (1722) being disposed of at £10 each for five years servitude, and advertisements like the following were frequent: "Lately imported, and to be sold cheap, a parcel of likely men and women servants." These were probably Redemptioners. Watson's *Annals*, ii, 266.

In addition to these Germans, a considerable number of Irish servants, the forerunners of the hundreds of thousands who have since left their native home for America, began to arrive in the Colony.

The year 1728-29 witnessed such an influx of Germans and Irish that the colonists became alarmed; and in May, 1729, the Assembly passed an Act laying a duty on foreigners and Irish servants imported into the Province. The printed records of the Colony give only the bare title of the law; but Oldmixon, in his "*British Empire in America*," alludes to the measure, and says that the duty was 5 s. per head on all "new comers." A modern writer is authority for the statement that it was 40 s. This latter amount seems more probable, as several shiploads of immigrants, destined for Pennsylvania, were repelled by the duty, and put in at New Jersey; while others went south to the Carolinas.<sup>1</sup> The obvious intent of the measure was to restrict the settling of such a host of foreigners among them, and to prevent the importation of too many Irish servants, probably for religious reasons.<sup>2</sup> However, the law was repealed within a very few months, and thenceforth the usual encouragements were offered to new settlers.

The Germans were principally farmers. They settled on the fertile lands along the Susquehanna, and with untiring industry and great frugality soon provided themselves with comfortable homes; while the abundance of their products made the trade of Pennsylvania equal to that of the older colonies. Governor Thomas, in his message to the Assembly in 1738, asking for an appropriation to build a hospital for immigrants, attributed the flourishing condition of the Province to the thrift and industry of the German settlers; but

<sup>1</sup> Oldmixon, *British Empire in North America*, i, 321.

<sup>2</sup> It is hardly possible that the act applied to English settlers.

the legislature evidently did not wholly agree with their executive, and replied somewhat sharply to his insinuation.<sup>1</sup>

During the years from 1720 to 1750 no less than 60,000 German settlers arrived in the Colony, and in addition to these a considerable number of Scotch and Irish. The pamphlets of that period contain frequent allusions to this prodigious immigration, and many fears, not unfamiliar in our own time, were publicly expressed. One writer expressed anxiety lest they "would produce a German Colony there, and perhaps such a one as Britain received from Saxony in the 5th century."<sup>2</sup> In his "Summary," Douglass, writing about 1750, refers to their "laborious and penurious manner of living," and fears lest they "out the British from the Colony." Speaking of the immense immigration, he writes, "there were imported into that Province (1750) 4,317 Germans, and only about 1,000 British and Irish, If this be not soon limited by a Provincial Act, or by the dernier resort, an Act of Parliament, the Province will soon degenerate into a foreign colony, endangering the quiet of our adjacent colonies."<sup>3</sup> Another writer of the period complains that they settle in communities, and have schools taught, books printed, and even newspapers printed in their own

<sup>1</sup> From the Governor's Message: "This Province has been for some years the asylum of the distressed Protestants of the Palatinate and other parts of Germany, and I believe it may, in truth, be said that the present flourishing condition of it is in a great measure owing to the industry of those people; and should any discouragement divert them from coming hither, it may well be apprehended that the value of your lands will fall, and your advances to wealth be much slower, for it is not altogether the goodness of the soil, but the number and industry of the people that make a flourishing country." The Assembly replied as follows: "We are of the opinion with the Governor, that the flourishing condition of this Province is *in part* owing to the importation of Germans and other foreigners; but we beg leave to say that it is chiefly to be ascribed to the lenity of our government, and to the sobriety and industry of the first settlers of this country, and the other British subjects inhabiting the same." *Colonial Records*, Penna., iv, 315.

<sup>2</sup> Watson's *Annals*, ii, 255.

<sup>3</sup> Douglass, *Summary*, ii, 326.

language, thus constituting a foreign colony and likely to continue so for many generations.<sup>1</sup>

By this time a regular fleet of vessels was in service engaged in transporting settlers to the various colonies; and it is needless to say that, owing to the long trip and poor accommodations, the hardships of immigrant passengers to-day are as nothing compared with those who came over in the crowded sailing vessels of the eighteenth century. Foul air and insufficient food bred disease, and vessels arrived in port with half of their passengers sick. A quarantine was established at Philadelphia, and a pest-house provided at public expense; but not until after a deal of bitter correspondence between the Governor and the Assembly.

In 1755 the latter passed a measure, entitled "An act for preventing the importation of Germans or other passengers in too great numbers in any ship." The measure evidently had a wider scope than its mere title would imply; for the Governor returned it with his veto, observing that several parts of the bill militated against the principles of humanity, and in general amounted "to an absolute prohibition of Germans which might not look well at home nor be for the interest of the Province."

It will be noted that in all these contests the Governor

<sup>1</sup> Burke's *European Settlements in America*, ii, 201. "Pennsylvania is inhabited by upwards of two hundred and fifty thousand people, half of whom are Germans, Swedes and Dutch. . . . It was certainly a very right policy to encourage the importation of foreigners into Pennsylvania, as well as into our other colonies. . . . I do by no means think that this sort of transplantations ought to be discouraged; I only observe along with others that the manner of their settlement ought to be regulated, and means sought to have them naturalized in reality."

It is worthy of note that exactly the same complaints have been made in Congress within recent years by representatives from some of the Northwestern States, and similar remedies proposed; namely, some governmental regulation in their settlement, so as to prevent any considerable body of them from settling in one place.

is invariably found on the side of the immigrants; and quite naturally, as he was appointed by, and represented, the Proprietary whose interests were best served by a large population and the consequent disposal of his lands. It seems not an unfair inference from the attitude of the colonists that, left to their own free will, they would have prevented the settling of such a large body of foreigners amongst them.<sup>1</sup>

The Seven Years' War and its side-play in America shut off for a time the stream of immigration. It revived somewhat during the decade from 1760 to '70, when, owing to the hostilities between the colonies and the mother country, it again subsided and Pennsylvania received no appreciable additions from Europe until the great movements of the present century.

Despite the fears and forebodings of the English settlers no serious evils resulted from the great body of foreigners who settled in Pennsylvania.<sup>2</sup> They proved to be industrious, faithful citizens and loyal subjects of the king, until the War for Independence began, when they generously and patriotically supported their state governments and the Continental

<sup>1</sup> The messages of the governors frequently allude to the jealousy with which the Germans and Irish were regarded by the English settlers, and although the Assembly as frequently deny the allegation, yet their actions usually belie their words. On one occasion, replying to the Governor's charges, they wrote, "the Protestant part of the new arrivals we look upon as laborious, industrious people, and all such we gladly welcomed," thus presumably leaving to the Catholics whatever comfort might be contained in the necessary inference. *Colonial Records*, iv, 507.

<sup>2</sup> The governments of New Jersey and Delaware, for many years after their settlement, were so intimately associated with those of New York and Pennsylvania that no individual policies toward immigration seem to have been instituted. The Proprietors and companies interested in these territories adopted the customary plans of attracting settlers, and were successful in securing a fair share of the Continental as well as British immigrants. Their Assembly Records, however, aside from certain religious measures, contain no specific acts either encouraging or restricting immigration.

Congress, contributing in no small measure to the successful issue of the struggle.

#### SUMMARY

The striking contrast between the New England and the Middle Colonies in their attitude toward the admission of immigrants is due to several causes. The territory of New York did not come under English control until 1664, and it was nearly twenty years later when the Quakers made their first settlement in Pennsylvania. Thus, both of these colonies were inaugurated at a time when the bigotry and narrowness that had characterized the first half of the century were on the wane. The Englishman of 1664, whether Puritan or Cavalier, was liberal, in matters both civil and religious, compared to his ancestors of 1620, and this liberality naturally reflected itself in the colonies established thereafter. The idea of founding colonies on a theocratic basis, with narrow restrictions along all lines, so strongly manifested in New England, was abandoned, and instead a comparatively liberal policy toward settlers of different creeds and nationalities was adopted. Pennsylvania was especially fortunate in this respect, in having as its founder a man of noble character, whose tolerant attitude toward all religious faiths, and whose generous treatment of settlers from all parts of Europe was continued by his successors and became the settled policy of the colony. The few restrictive measures that were passed did not long remain on the statute books, and served only to divert for a time the tide of immigration to other colonies. The ungenerous policy of the New York authorities toward the Palatines was an unfortunate affair for the prosperity of the colony, as it resulted in keeping thousands of those worthy settlers from locating in that province. Again, the political events in Europe favored the rapid settlement of these colonies. The revocation of the Edict of

Nantes and the wars of Louis XIV resulted in driving thousands of Protestants from their native lands, and gladly they turned to the English colonies, where they might enjoy civil and religious freedom and share in the generous bounty which rewarded the industrious settler.

## CHAPTER VI

### IMMIGRATION LAWS OF THE SOUTHERN COLONIES

THE Southern Colonies, extending in their founding from that of Virginia in 1607 to that of Georgia in 1732, exhibit in their legislation on immigration the progress and development of over a century of experience. However, the philanthropic motives apparent in the founding of the latter colony were virtually a return to old ideas, and the partial failure of Oglethorpe's venture might have been predicted from a study of similar attempts more than a century before. Like the Middle Colonies, this group was naturally attractive to European immigrants; an abundance of fertile land, navigable rivers, and a genial climate, nothing was wanting to encourage immigration but liberality in the granting of lands and an equitable government. With but few exceptions these artificial inducements were offered.

The commercial idea seems to have been the predominating motive in the settlement and management of these colonies, and consequently their efforts to foster and encourage immigration show a marked activity, especially in case of the Carolinas and Georgia.

Owing to natural conditions, moreover, a system of agriculture was begun and developed, which created a great demand for servant labor, and accordingly a considerable part of their immigration consisted of this class. Indeed, so great was the demand that unscrupulous contractors, encouraged by imperial legislation, imported thousands of convicts and sold them to the planters. There was undoubtedly a de-

mand for this labor, but it is worthy of note that the majority of the colonists did not favor their importation and yielded only to superior sanction. But worse than this even, at least in its later results, was the importation of negroes. Slave labor was found to be profitable, and, early in the history of the provinces, negro slaves were introduced, and continued to be imported during the entire period under consideration. A few attempts were made at restriction, but for the most part demand regulated the supply.

Thus, while many of the best people who immigrated to America settled in the Southern Colonies, it must be confessed that, taken as a mass, their immigration was inferior to that of the Puritan and Middle Colonies. There was, relatively, a greater number of actual settlers among the immigrants to the northern groups; men with families, who brought some substance and whose efforts from the beginning were directed toward the acquirement of land and the establishment of homes.

#### MARYLAND.

It is commonly supposed, and in fact passes as a matter of history, that the Province of Maryland was founded as an asylum for the Roman Catholics. Whatever may have been the primary motive of the originator, it is quite evident that it was not his intention to establish the colony exclusively for that class. The circumstances indicate that if any of the American Colonies were instituted with the idea of religious toleration, Maryland seems to have been that colony.

The charter was a compact between Charles I., a member of the English Church, and Lord Baltimore, a Roman Catholic. From a study of the instrument itself and a consideration of the circumstances attending the grant, it seems fair to infer that to the confessors of each faith it was a pledge of religious freedom. Lord Baltimore had strenuously en-

deavored to secure a large body of colonists, and, as shown by the papers of "Father White," a Catholic priest who accompanied the first settlers, the invitation of Calvert was in no way limited to the members of his own church. Indeed, the writings of this good father indicate that a majority of the original colonists were Protestant, for, in reporting to Rome, he speaks with evident disappointment about most of the settlers being "heretics."<sup>1</sup>

In 1656, one of Lord Baltimore's friends wrote that "the population of the colony was composed of Conformists, Non-conformists, and a few Papists."<sup>2</sup> It is well to bear these facts in mind in studying the anti-immigration laws of Maryland, for, as has been intimated, the opinion is quite general that the Catholics were subsequently persecuted and restricted from settling in the very colony which had been founded exclusively for their benefit. For several years Catholics and Protestants lived together without any serious trouble.

The offers of Lord Baltimore to new settlers were most generous, and Maryland grew rapidly from the start. The Assembly took an active interest in the material progress of the colony, and at one of its early sessions passed a measure entitled "An Act for the better peopling of this Province,"<sup>3</sup> and in other ways coöperated with the Proprietary and the Governor in their efforts to attract settlers.

In 1649 was passed an act granting toleration to all believers; but a few years later, during the Commonwealth period, it was enacted that none who professed the "Popish Religion" would be protected.<sup>4</sup> This was only five years

<sup>1</sup> Maryland *Hist. Soc. Collection.*

<sup>2</sup> Maryland *Archives*, v, 133.

<sup>3</sup> Maryland *Assembly Proceedings*, 1637.

<sup>4</sup> Maryland *Archives*, 340.

after the Toleration Act, and is the first intimation of any hostility between the two sects. Although it was soon repealed and no definite act against the Catholics was passed until the beginning of the eighteenth century, yet it is apparent that indirectly the Protestants did everything short of enacting such a measure to discourage immigrants of that religious faith.

During these years the Assembly and Council were very active in encouraging the coming of foreigners by passing numerous naturalization and denization acts, whereby settlers from European countries were made secure in their land titles and given protection of the laws.<sup>1</sup>

About 1667 the establishment of the Church of England must have been proposed, for Lord Baltimore writing to the King concerning the colony referred to the act concerning freedom of conscience as a great inducement to settlers, and added, "The greatest part of the inhabitants of that Province, three-fourths at least, consist of Presbyterians, Independents, Anabaptists, and Quakers, those of the Church of England and those of the Romish Church being fewest; so that it will be a difficult task to draw such persons to consent

<sup>1</sup> Maryland *Archives*, iii, 476, (*Council Proceedings*): "Whereas Isaac Bedlo, late of England, and of Dutch parents, having transported himself into this province, here to inhabit and as a free denizen freedom land to him and his heirs to purchase; know ye that we willing to give due encouragement to the subjects of that nation do hereby declare him, the said Isaac Bedlo to be a free denizen of this our province."

These Acts of Denization conferred civil but not political rights. The naturalization laws were in the hands of the Lower Assembly. A good instance is the Petition of Naturalization, 1674 (Maryland *Assembly Proceedings*, ii, 461). After stating the places of their birth and the fact that they were induced to come to Maryland through the offers of the Governor as regards land, the petition reads: "but for that your petitioners are not of British or Irish descent may to their great loss, prejudice or hindrance, as also to the deterring of divers others of the said foreign nations aforesaid from coming into this province and by consequence foreslowing the people of this province with useful artificers and handcraftsmen, etc., etc." . . . The petitioners ask that they be naturalized.

to a law which shall compel them to maintain ministers of a contrary persuasion."<sup>1</sup>

The Act of Establishment was not finally passed until 1692, and from that time the Assembly Proceedings are filled with Acts curtailing the religious and political rights of Catholics, and in many other ways restricting their further immigration. The first step was taken in 1704, when priests were forbidden to hold any public service or engage in the work of education;<sup>2</sup> and in 1715 the Assembly placed a fine of 20 s. on every Irish servant brought into the province, its avowed purpose being "to prevent the too great importation of Papists."<sup>3</sup> A few years later an additional tax of 20s. was laid on Irish Catholic servants, and provision made for the better discovery of that class by means of certain test oaths,<sup>4</sup> and members of that faith were also rendered ineligible to hold office and disfranchised.

It is, of course, very apparent that all these laws were but an echo of the Parliamentary Statutes concerning Roman Catholics. Lord Baltimore had been deprived of the government of his colony, and for several years Maryland was under the general regulations of the other Royal Provinces. Thus the Catholics of Great Britain fared worse than their persecuted Protestant brethren on the continent. The latter found a warm welcome in America, while the former were harassed both at home and in the colonies. During the French and Indian War the feeling against the Catholics was very bitter. A double tax was placed on their lands, and in

<sup>1</sup> Maryland *Archives*, v, 133.

<sup>2</sup> Maryland *Laws*, 108.

<sup>3</sup> *Ibid.*, 108. As every insurrection or suspected plot was charged to the Catholics, and as the same law taxing Irish servants placed a duty on rum, it may be observed that the famous alliteration *Rum, Romanism* and *Rebellion* might have been more appropriately and perhaps less disastrously associated at that time than at a more recent period of our history.

<sup>4</sup> Bacon's *Laws*, 1715.

many ways their position in the colony was rendered hazardous and their further immigration discouraged.<sup>1</sup>

There was, however, another kind of immigrant of a far more objectionable type than the Catholics, namely, the convicts from English prisons. Maryland, like the other colonies, was unwilling to accept them, and considered it gross injustice on part of the home government to ship that class into the colony. The custom of transporting felons into the Provinces had been in vogue many years before Parliament gave it legal sanction. As early as 1676, the Maryland Assembly passed an act forbidding the importation of any convicts and imposing a fine of 2,000 lbs. of tobacco on any person violating its provisions.<sup>2</sup>

A few years after the Parliamentary Act regulating the transportation of felons,<sup>3</sup> the authorities of Maryland again considered the "alarming evil," and the question of again imposing a duty was referred to the Attorney-General of England, who reported adversely.<sup>4</sup> The Assembly then contented itself with passing some minor regulations, which apparently had no effect in restricting the traffic, for they were brought in by the hundreds every year.<sup>5</sup>

Slave labor was found to be profitable in Maryland, and negroes were brought into the colony soon after its settlement. As in case of the other Southern Colonies, a tax was

<sup>1</sup> Maryland *Archives*, vi, 496. Much of the correspondence of Governor Sharpe relates to this subject. The worthy Governor was apparently very much annoyed by the continual rumors concerning the Catholics, sent over to England by the Protestants; for at the close of one of his letters he writes: "I must say that if I were asked whether the conduct of the Protestants or Catholics in this province had been most unexceptionable since I have had the honor to serve your Lordship I should not hesitate to answer in favor of the latter."

<sup>2</sup> Maryland *Archives*, ii, 540 (continued by several surviving acts until 1692).

<sup>3</sup> 4 Geo. I, c. 11.

<sup>4</sup> Chalmer's *Opinions*, 333.

<sup>5</sup> Douglass' *Summary*.

frequently levied on negroes brought into the colony, but for purposes of revenue rather than as restrictive measures.<sup>1</sup> A report to the Commissioners of Trade and Plantations, made about 1720, computes the population as "consisting of 35,000 whites and 25,000 blacks, from whence it appears that the inhabitants have doubled in fifteen years, and although some part of this increase may have been occasioned by the transportation of the rebels from Preston, by the purchase of slaves, as well as by the arrival of convict persons and many poor families who have transported themselves from Ireland, yet it must be allowed that Maryland is one of the most flourishing provinces upon the continent of America."

#### VIRGINIA.

The settlement of Virginia may be traced to a curious mixture of social, economic and missionary motives. When the first Assembly met in 1619, the population of this colony consisted of a few middle class English gentlemen, either owners or managers of extensive plantations, and several hundred male servants, collected from various parts of Britain, and of doubtful reputation. A resident of the colony during that period complains "that the people sent to inhabit in Virginia are most of them the scum and off-scouring of the nation, vagrants or condemned persons, or such others as by the looseness and viciousness of their lives have disabled themselves to subsist any longer in England."<sup>2</sup> This condition of affairs improved after the first twenty years;

<sup>1</sup> In 1671 a curious law was placed on the Statute Book of Maryland, entitled "*An Act for encouraging the importation of negroes and slaves.*" It stated that many persons were discouraged from purchasing slaves lest the slaves by embracing Christianity became free. For the reassuring of all such the law set forth that Slavery and Christianity were entirely compatible, and that the owner still retained his property even after the baptismal ceremony.

<sup>2</sup> Neill's *Virginia Carolorum*, 278.

more free settlers began to immigrate, bringing their families and establishing homes of their own.

The charter of 1609 gave the Company permission to transport British subjects, or any strangers who were willing to swear allegiance to the Crown; but all persons who "affected the superstitions of the Church of Rome" were directly prohibited from settling in the Province.<sup>1</sup> Thus the colony was placed on the basis of intolerance from the very beginning. Nor were they less strongly opposed to the immigration of "Dissenters or Non-conformists." As early as 1631, an act was published making the "customs, canons and constitution of the Church of England" obligatory on all the inhabitants, and some years later a company of Non-conformists were banished from the Province and took refuge in Maryland.<sup>2</sup>

The poor Quakers found these sunny climes almost as inhospitable as the bleak shores of New England. A fine of £100 was imposed on any person bringing a Quaker into the colony, and those already settled there were ordered to depart on pain of punishment.<sup>3</sup>

During the first fifty or sixty years of the existence of the colony there seems to have been no specific act on the part of the Assembly to encourage immigration. Several highly drawn accounts of the Province had been published and circulated in England and on the continent, which served to attract many settlers, and persons in England who were commercially interested were likewise active in schemes for increasing the population.<sup>4</sup> In 1671, however, the House of

<sup>1</sup> *Charters and Constitution of the U. S.*, 1900.

<sup>2</sup> *Hening's Statutes*, i, 277.

<sup>3</sup> *Hening's Statutes*, ii, 131. A well known writer of Virginia says: "If no capital punishment took place here as in New England, it was not owing to the moderation of the church or the spirit of the legislature."

<sup>4</sup> *Virginia Carolorum*, 128.

Burgesses took action in the matter, and their records for that session contain a Naturalization Act, the specific purpose of which was to encourage immigration.<sup>1</sup> Nine years later they testified to the efficiency of this method in speedily "settling and peopling" the Province, and in order to facilitate matters, they conferred power on the Governor to grant letters of naturalization.<sup>2</sup>

Governor Berkley's answers to the Commissioners of Trade in 1670 give an idea of the immigration of this period: "Yearly," he says, "there comes in about 1500 persons, of which the most are English, few Scotch and fewer Irish, and not above two or three shiploads of negroes in seven years."<sup>3</sup>

At the end of a Tariff Act, passed in 1691, appears a clause to the effect that, in order to encourage the immigration and settling of sea-faring men in the colony, a half-rate duty on liquors would be allowed them.<sup>4</sup> The success of this device is not indicated in any subsequent documents.

The beginning of the eighteenth century found Virginia, like her neighboring colonies, anxious to secure a share of the European immigrants who were flocking to America. The Assembly realized that generosity in the granting of land was an effective measure, and in the "Land Act" of 1705 the following inducements were offered:

(a) Every person, male or female, "imported" and coming into the colony *free* had the right to 50 acres of land.

<sup>1</sup> Hening's *Statutes*, ii, 289. "Whereas nothing can tend more to the advancement of a new plantation either to its defence or prosperity, nor nothing more add to the glory of a prince than being a gracious master to many subjects." \* \* Strangers to become naturalized by petitioning the Grand Assembly, taking oath of allegiance to His Majesty. The fee was 800 lbs. tobacco to the Speaker and 400 lbs. to the clerk.

<sup>2</sup> Hening, ii, 464.

<sup>3</sup> *Virginia Carolorum*, 335.

<sup>4</sup> Hening's *Statutes*, iii, 91.

(b) Every Christian servant, on becoming free, had the right to 50 acres.

(c) Every person "importing" a wife or children under age had a right to 50 acres for the wife and each child.

(d) A charge of 5s. for every 50 acres was the only fee imposed.<sup>1</sup>

The subsequent records show that these generous offers brought a large "influx" of settlers, not only from Europe, but from other colonies.

As in the case of Maryland, the importation of convicts gave the colonists much anxiety. The Assembly Records indicate that numerous complaints were made by the inhabitants, and in 1671 it was decreed that "no person trading with Virginia, either by land or sea, should bring in any 'jail-birds.'"<sup>2</sup> The records contain numerous acts prohibiting at first, and later restricting and regulating the importation of convicts, but for the most part they were disallowed by the home authorities, on the ground that they conflicted with the Parliamentary Statute on that subject.<sup>3</sup>

An Act of 1699 is indicative of the religious intolerance of the times. A tax of 20s. was imposed on every servant brought into the colony not born in England or Wales. The object as set forth in the title purported to be the raising of funds to build a capitol, but one cannot avoid suspecting

<sup>1</sup> Hening's *Statutes*, iii, 304.

<sup>2</sup> Hening's *Statutes*, ii, 509.

<sup>3</sup> A contemporary writer states that many thousands of these convicts were imported into Maryland and Virginia during the period 1700-1775. An interesting study in sociology might be made if materials were available for tracing the subsequent development of this class. Prof. Shaler believes that the "poor whites," of the south are largely the descendants of the convicts imported into the southern colonies. However, after witnessing, in our own time, the marvelous assimilating qualities of American life and the civilizing tendencies of American opportunities it is not improbable that a large part of them were absorbed into the industrious and respectable portion of the community.

that there were other motives in the case, not the least of which was the restriction of Irish Catholic servants.<sup>1</sup>

The final struggle for supremacy in America between the English and French had the same effect in Virginia as in the other colonies, an intensified dislike for Catholics, especially the Jesuits, so that additional safeguards were provided to prevent their coming into the Province. This feeling was so strong that a company of neutral French Catholics, who had been conveyed into the colony by the home authorities, were ordered to be removed and their transportation paid for out of the public purse. It was believed that their presence would greatly endanger the peace and safety of the colony.<sup>2</sup>

#### THE CAROLINAS AND GEORGIA.

✓ Virginia held much the same relation to the Carolinas as did Massachusetts to Connecticut and Rhode Island. The first settlers in that territory were emigrants from Virginia, and for many years she maintained a position as feeder to the less populous settlements south of her boundaries. Indeed, one of the aims of the proprietors seems to have been to attract settlers from their northern neighbors; for they made such conditions in regard to the disposal of lands that many emigrants from the older colonies found their way thither. New England, Virginia and the Barbadoes each had a share in furnishing the population of the Carolinas.<sup>3</sup>

<sup>1</sup> Hening, iii, 193.

<sup>2</sup> Hening's *Statutes*, vii, 35, 39.

<sup>3</sup> "The Lords Proprietors do immediately grant to all persons that come thither to inhabit, the following terms: For each master or mistress of a family 50 A., and for every able-bodied son or man-servant 50 A., and the like to each daughter and woman-servant that is marriageable, and for every child, or man or woman servant under the age of sixteen years 40 A. and 50 A., to each servant so soon as time of service with their master is expired: which land is to be enjoyed by them and their heirs forever, upon payment of only one penny an acre quit-rent to the Lords Proprietors, which is not to commence until two years after their first taking up of land." Moore's *North Carolina*, i.

The earliest recorded legislation was effected about 1669, apparently with a view to increase the population. One of these laws forbade the collection of debts from settlers who had contracted them before coming to the colony; a somewhat doubtful expedient, it would seem, to increase their population by the addition of dishonest debtors.<sup>1</sup> A limited exemption from taxation was likewise extended to new settlers. These and other liberal measures were passed in order to attract any who might chafe under the restraints of the older colonies, but unfortunately the class thus appealed to were not the most desirable, and for a long time the people of Virginia referred to Carolina as "Rogues' Harbor."

The records of the northern and southern settlements of Carolina are inextricably confused for many years. Although they each had separate assemblies, yet they were under the same proprietors, and at times under the same governor; and not until the early years of the 18th century are the two governments clearly distinguished from one another in the reports sent over to England.

The Huguenot emigration, following the Revocation of the Edict of Nantes, helped to swell the population of the Carolinas, especially the southern territory. The Proprietors were especially anxious to secure these industrious, worthy people as settlers, and were active in securing their removal to South Carolina.

Several thousand of these "refugees" fled to England, as did the Palatines later; and, through public and private aid,

<sup>1</sup> Moore's *History of North Carolina*, i. "The Gov't of this Province having for many years been a very disorderly one, this becomes a place of Refuge for all vagabonds, whom either debt or breach of the laws have driven from the other colonies on the continent; and Pirates having too frequently found entertainment amongst them."

Report of Com. Trade and Plant's (1721) *Doc. Col. Hist. N. Y.*, v, 609. See Reply to Mr. John Fiske by Mr. Wheeler, of N. C. (Pamphlet, Harvard Coll. Library.)

many of them were transported to the colonies. North Carolina attracted several shiploads of these settlers by generous grants of lands; and the southern province had an agent in England, through whose efforts several hundred families were induced to settle on the fertile lands of that colony.<sup>1</sup>

In 1693, one Christopher de Grafenried, through arrangements with the Government of North Carolina and by the aid of money from the English Government, transported six hundred Swiss Palatines to the colony. They soon became a flourishing community, and attracted others of their exiled countrymen.<sup>2</sup>

With the overthrow of the Proprietary Government in the Carolinas, both colonies put forth strenuous efforts to increase their population by securing a portion of the European immigrants who were then flocking to the New World. The printed records show frequent evidences of this activity, but unfortunately seldom give more than the bare title of the acts, as, *e.g.*: "An Act to encourage the further settlement of this Province."<sup>3</sup> The full text would no doubt disclose many varied and interesting expedients for the encouragement to immigration.

About 1732 Monsieur Jean Pury, of Neuchatel, Switzerland, visited North Carolina, and made a proposition to settle a colony of his countrymen in the Province. The Assembly highly approved of the scheme, and, to assist him in the execution of it, they passed an act offering him a reward of £400 upon his bringing over to Carolina one hundred effective men. The Government further promised to furnish provisions, tools, *etc.*, for three hundred persons for one year.<sup>4</sup>

<sup>1</sup> Baird's *Huguenots in America*.

<sup>2</sup> Rupp's *Collections*.

<sup>3</sup> *Records of the Assembly of N. C.*

<sup>4</sup> This is but one of many similar instances in the history of the Carolinas. There seems to have been considerable rivalry among the colonies in the matter of securing new settlers. See Rupp's *Collections*.

The first permanent settlement in South Carolina was made about 1670 by immigrants from England and a few from Barbadoes. These were supplemented by others from Scotland, and, in 1679, as has already been stated, two vessels sent out under the patronage of the English Government brought a number of French Protestants. No considerable group of settlers arrived from 1696 until the overthrow of the Proprietary Government about 1719, when vigorous measures were adopted for securing a large immigration. Contracts with private agents were made, bounties offered, free lands assigned, and many other inducements offered to allure settlers.<sup>1</sup>

The plan of offering bounties to "importers," as the immigration agents were designated, seems to have been quite popular. As early as 1678 an Act was passed offering a

<sup>1</sup> The printed records of South Carolina, as in case of her northern neighbor, give only the bare titles of many of these acts. From 1696 until 1741 the following are to be found:

ACTS OF THE ASSEMBLY OF SOUTH CAROLINA.

- 1696. An Act for the encouragement of the better settlement of South Carolina.
- An Act for making aliens free of this part of this Province, and for granting liberty of conscience to all Protestants.
- 1698. An Act for the encouragement of the importation of white settlers.
- 1712. An Act for the better strengthening of this Province by increasing the number of inhabitants thereof.
- 1713. An Act to encourage strangers to come to this port by making Sullivan's Island more remarkable by building a new outlook and buoying the channels.
- 1716. An Act to encourage the importation of white servants into this Province.
- 1717. An Act to grant several privileges, exemptions and encouragements to such of his majesties protestant subjects as are desirous to come into and settle in this Province.
- 1719. An Act for the encouragement of planting, and the relief of debtors.
- 1725. An Act to encourage persons to become settlers of the Province of South Carolina.
- An Act for the better settling and strengthening of this Province.
- 1735. An Act to provide a full supply for subsisting poor Protestants coming from Europe and settling his Majesty's New Townships in this Province.
- 1741. An Act for further securing his Majesty's province of South Carolina, by encouraging Protestants to become settlers therein.

bounty for the importation of white servants, Irish excepted, with a view to counteracting the large number of negroes. The law further provided that these white servants should be distributed among the planters in the ratio of one to every six negro slaves. A few years later the Assembly passed a similar measure, directing the Treasurer to pay £14 to "importers" for each healthy male British servant, not a criminal, between twelve and thirty years of age.

The report of Governor James Glen, about 1750, to the Lords of Trade and Plantation indicates the number and general character of the immigration into South Carolina. He writes, "We have had betwixt two hundred and three hundred Germans within these three or four years and about the same number of families from other provinces. As numbers of people well employed make the riches and strength of every country, I am determined from the time of the proclamation of peace to observe very particularly the increase, either in the natural way, or by the accession from other provinces, or by the accession of foreigners . . . which I think may be several thousands in a few years."<sup>1</sup>

The close of the French and Indian War witnessed activity on the part of the Carolinas and Georgia<sup>2</sup> to attract settlers. The Assembly of South Carolina appropriated a large fund for bounties to foreign Protestants and settlers from the British Isles who should come to the colony within three years.<sup>3</sup> Georgia passed a similar law, and was surprised when the measure was disallowed by the King and Privy Council.<sup>4</sup>

<sup>1</sup> *Documents of South Carolina*, 92. The historian Ramsay is authority for the statement that in a single year one thousand families resorted to South Carolina from the other colonies, driving their live stock overland before them.

<sup>2</sup> The Records of Georgia concerning immigration follow so closely the policy and measures of the Carolinas that it has not been deemed worth while to give them in detail.

<sup>3</sup> S. C. *Historical Records*, ii, 75.

<sup>4</sup> Jones' *Georgia*, ii, 120.

We learn from a letter of Governor Bull, written about 1764, that the South Carolina Act attracted a large number of settlers from the various countries of Europe. The European immigration to the Carolinas and Georgia during these years was largely from Scotland and Ireland, although many Germans found homes in those provinces. It is undoubtedly true that the three Southern colonies, at the breaking out of the revolution, had a greater number of foreign-born inhabitants than any other three of the colonies.

#### SUMMARY.

The colonization of the Southern colonies extended in point of time over both the periods which have been noted, namely, the first half of the seventeenth century, when civil and religious exclusiveness was the prevailing condition, and the latter half of the century, when a more liberal spirit obtained. Our study of Virginia and the Carolinas reveals these two phases of colonization quite as strikingly as do Massachusetts and Pennsylvania. Maryland began well, but did not long maintain the generous policy of her founder. The plans for the founding of Georgia do not reveal that wisdom which an experience of a century and a quarter in colonization ought to have given the English. The first settlers were men who had been unable to cope with their environment at home, and numerous failures in the past attested to the utter futility of sending such persons to begin a colony in the New World.

Oglethorpe's ideas were philanthropic but impracticable. He demonstrated theoretically that those who at home were unable to earn a living and who were a positive incubus upon the fortunes and industry of others, might in a new country maintain themselves in comfort and enrich the mother country with the product of their labor; but a few years of experience taught him that individual effort and in-

dustry on part of the settlers were more essential to the success of a colony than the most elaborate plans, be they never so charitably conceived and admirably carried out.

## CHAPTER VII

### ATTITUDE OF ENGLAND TOWARD IMMIGRATION

THE attitude of England toward colonial immigration has been more or less apparent, as we have traced the movement from the American side. We have noticed how the early charters not only gave British subjects permission to leave the country (for without such permission of the Crown no subject had a legal right to leave the kingdom), but also allowed the colonization companies to transport all foreigners who might be willing to swear allegiance to the English Crown. The charter of 1628 granted permission to the Massachusetts Bay Company to transport British subjects to New England, but with the proviso "that none of the said persons be such as shall be especially restrained,"<sup>1</sup> and previous to 1622 James I. had, on application from the Plymouth Company, ordered that none should frequent the coast of New England but the "adventurers and planters of that Company."<sup>2</sup>

The removal of the Puritans stirred up some opposition. Limits on the emigration were proposed, but never took practical effect. In 1634 Henry Dade, writing to the Archbishop of Canterbury concerning the departure of so many citizens, says, "trade will be overthrown, and persons indebted will fly into New England and be accounted religious men for leaving the kingdom."<sup>2</sup> Other contemporary writers took note of the migration, and complained that such a num-

<sup>1</sup> Chalmers' *Opinions*, 91.

<sup>2</sup> Weeden's *Economic History of N. E.*, 91.

ber of persons of "good abilities" should be allowed to "depart the country." Thus, while the emigration of the Puritans was a relief to the king and his archbishop, yet many looked on the withdrawal of so many persons as a serious loss to England. It is apparent from some of the pamphlet literature of the times that there was a considerable opposition to colonies. The mercantile doctrines of the 17th century attached a high value to a dense population, as an element of national strength; and it was argued that colonies would weaken the parent country by lessening the population. The experience of Spain was frequently mentioned as an argument against colonization. Indeed, as late as 1760, it was questioned whether colonies were worth the trouble and expense necessary to govern and protect them.

Until the reign of James II. the welfare of the colonies, as regards new settlers, was for the most part in the hands of the proprietors and land companies; but, with the ambitious design of that monarch to unite all the colonies under one government, the idea seems to have developed of using the resources of Parliament and the crown to foster foreign immigration. Under William III. and Anne this idea took practical shape. Parliament voted considerable sums of money to assist Protestant refugees from France, Germany and other countries, in making their way to the English colonies. These efforts were due partly to political and commercial motives, and partly to the genuine interest which England took in championing the Protestant cause in Europe.

The colonies had already passed naturalization laws, both special and general, and the provincial governors and their councils had assumed the right to issue letters of denization. This latter, however, was forbidden by an order in council, February 5, 1699.

Many of the refugees who first sought England were nat-

uralized or granted letters of denization before leaving that country. It was frequently urged upon the home government to pass a general naturalization act for the colonies; but it was not until 1740 that such a measure was enacted. Until the accession of George III. the British Government was very active in fostering foreign immigration; and nothing but the fear of offending the home authorities restrained some of the colonies from taking steps to restrict the influx of foreign settlers.

The fears of the English colonists, however, were soon allayed. They came to realize that instead of introducing a hostile element into their midst the foreigners had proved an element of strength.

The home authorities realized this too; and, accordingly, when the spirit of resistance began to show itself they endeavored to restrict immigration, as the first repressive measure under the policy of colonial discipline. The first move in this direction was to disallow certain acts of the colonial assemblies for the encouragement of immigration.<sup>1</sup> Governors were instructed from time to time to grant no lands to new settlers. These prohibitory instructions increased until 1773, when all naturalization was abruptly ended by an order in council, forbidding the colonial governors to assent to any bills of that nature;<sup>2</sup> and about the same time they were instructed to issue no warrants to surveyors, nor to pass any patents for lands, nor to grant any licenses to private persons to purchase lands from the Indians.<sup>3</sup>

Not finding these prohibitory regulations sufficient, Parliament, in 1774, passed a bill for securing the "dependency" of the colonies, the preamble of which sets forth that "the great increase of people in the said colonies has an immediate tendency to produce *independency*," after which in the

<sup>1</sup> Documents relating to *Colonial History of N. Y.*, vii, 474.      <sup>2</sup>Ibid., x, 411.

<sup>3</sup> *New Jersey Archives*, x, 402.

first clause it proceeded to enact what was practically an anti-immigration regulation. All persons leaving Great Britain and Ireland for America with intent to settle were obliged to pay £50 per capita (children and servants not exempted); while ship-masters were liable to a fine of £100 for transporting any who took passage without complying with the regulations.<sup>1</sup> The former restrictions had practically shut off foreign immigration, and thus the development of the colonies from an outside population was for the time being at an end.

The Declaration of Independence sets forth the feeling of the colonists in this matter. One of the charges against the King is that he endeavored to prevent the populating of "these states," by forbidding naturalization and issuing other restrictive measures. The primary object of these regulations was of course to establish the supremacy of Parliament. Had matters turned out differently, had the colonists yielded and continued in their dependency, we cannot but believe that England would have repealed or at least greatly modified these measures. From the beginning of her attempts at colonization down to the years just preceding the Revolution, the policy of England toward foreign immigration was one of enlightenment and generosity. She took steps to restrict it only when her own sovereignty was questioned.

<sup>1</sup> *American Archives* (1774-75), 673.

## PART III REFLECTIVE ANALYSIS

### CHAPTER VIII

#### DISTRIBUTION AND CHARACTERISTICS OF NATIONALITIES

THE foregoing sketch of Colonial Immigration Laws has indicated to some extent the race and national elements that entered into their immigration and their distribution among the colonies. A more detailed study of this part of the subject seems properly to belong to our essay, and will prove interesting and instructive to those who would understand the varied social and religious characteristics presented by the American colonies at the close of the colonial period.

It will be unnecessary, therefore, in this connection to do more than to mention the English settlers. With but one or two exceptions, they were the founders of the colonies and so formed the basis of all secondary immigration. As we have seen, almost the entire population of New England was English; and in most of the other colonies they outnumbered, or at least equaled, the settlers of any other single nationality.

Next to the English the Germans were probably the most numerous. They first began to immigrate to the colonies, in appreciable numbers, during the closing years of the 17th century. About 1764 the troops of Louis XIV overran that part of Germany called the Palatinate, a country lying on both sides of the Rhine. Religious persecution followed and thousands of Germans were practically driven from their homes. We have already shown how England championed

the Protestant cause, and extended a general invitation to the persecuted Protestants of all Europe to find homes for themselves in her American colonies. The well-intentioned but disastrous attempt to settle a colony of Germans in New York, and the various plans to divert them to Virginia and the Carolinas, have already been described; but Pennsylvania was the central point of settlement for the Germans. A few of that nationality were among the Quaker colonists who founded Philadelphia; and these, from time to time, were joined by others. About 1715 the larger immigration set in, and for the next forty years a constant stream of Germans landed at the ports of Pennsylvania. The bulk of this comparatively enormous immigration, as already stated, settled in the Quaker colony, but many of the original immigrants and thousands of their children migrated to Maryland and Virginia. The Carolinas also attracted large numbers of these settlers; and about the middle of the century, when these colonies began to offer generous inducements in granting lands, large bodies of settlers gave up their homes in Pennsylvania, and, driving their flocks and herds before them, made their way overland to the Southern colonies. The only considerable settlement of Germans in New England was made at Waldoborough, in Maine, about 1739, and there are still many descendants of those settlers to be found in that State.

Next to the Germans the Scotch, Scotch-Irish and Irish contributed the largest number of immigrants to the American colonies. After the execution of Charles I., the Scots took up the cause of his son, with the understanding that, if successful, he would protect them in their religious worship. Cromwell's victories soon put an end to their hopes, and several hundred Scottish prisoners were shipped to the colonies. A ship load of them were transported to Boston and became worthy citizens of the

Puritan colony, though they seem to have made no visible impression on the community-life. The restoration of Charles II. failed to improve the condition of the Scotch. Presbyterianism was abolished and Episcopacy established in its stead. Stringent laws were enacted, soldiers quartered on the defenceless inhabitants, and fines and imprisonment inaugurated to suppress their former worship. This severe ordeal drove thousands from their native country into Ireland; many emigrated to America, and years later a large proportion of the descendants of the former sought homes in the colonies, being known as the Scotch-Irish.

New York was not especially inviting to these immigrants on account of the established church of that colony. Still a considerable number of them located there during the second quarter of the eighteenth century, being *planted* on the lands along what was then the frontier of the colony.

Penn and eleven other Quakers, several of whom were Scotch, purchased East Jersey, with the view to securing as extensive an immigration from Scotland as possible. Nor were they disappointed; many from that country and from the north of Ireland were induced to immigrate and settle in that section. In point of virtue, education and piety the Jersey settlers were the equal of any that sought these shores. Bancroft says "they gave the colony a character which 150 years have not effaced." Princeton University is a monument to their intellectual capacity. But, as in case of the Germans, Pennsylvania received the bulk of the Scotch and Irish immigration. The records show that nearly 6,000 Irish servants arrived in that colony in 1729, and that up to the middle of the century the arrival of settlers from these countries was in the thousands each year. The provincial historian Proud writes, "They have flowed in from the north of Ireland in very large numbers." They settled chiefly in the eastern and middle parts of the colony. Cumberland

county was almost wholly peopled with these emigrants. But they or their descendants also migrated in large numbers, the western parts of Maryland, Virginia and the Carolinas receiving the principal share.

Besides these migrations, many Scotch and Irish settlers removed to the Southern colonies directly from their native countries. About 1690 Maryland received two hundred Scotch-Irish, who located near the present site of Washington. Five or six hundred Scotch settled near Fayetteville, N. C., in 1749, and there was a second arrival from the same country some six years later.<sup>1</sup> As early as 1684 a small company of Scotch settled in South Carolina. About 1737 multitudes of husbandmen and laborers from Ireland embarked for that Province.<sup>2</sup> Indeed, Ramsay is authority for the statement that of all European countries Ireland furnished South Carolina with the greatest number of her inhabitants.<sup>3</sup> Georgia, too, was partially colonized by the Scotch and Irish, some of whom emigrated from Pennsylvania, although a shipload of Scotch Highlanders went directly there soon after the settlement of the colony.

The immigration of the French Huguenots to America is an exceedingly interesting event in the history of the colonies. Their name is associated with many romantic efforts to plant settlements on their own account during the sixteenth century; and their arrival in the English colonies began much earlier than is generally supposed. Massachusetts passed an act in 1662 permitting a company of French Huguenots to reside in that colony; and later a considerable number of them were granted lands and made a settlement at Oxford in that Province. Rhode Island also received a company of these exiles. New York at an early date be-

<sup>1</sup> Hodge's *Con's History of the Presbyterian Church in America*, i, 66.

<sup>2</sup> Bancroft, ii, 173.

<sup>3</sup> Ramsay, i, 20; ii, 23, 548.

came an asylum for the French Protestants. Even before the English conquest of New Netherlands its population contained a considerable number of Huguenot refugees who had fled to Holland and thence made their way to the Dutch colony. New Rochelle on the East River was settled almost wholly by these immigrants; and Gov. Dongan, writing about 1687, mentions the arrival of Huguenot families in considerable numbers. Wm. Penn had agents in London for the purpose of inducing some of these desirable settlers to locate in his province; but not many availed themselves of his offer.

Every great European event affected the fortunes of the colonies. Especially is this observable in case of the Revocation of the Edict of Nantes. Thousands of Huguenots left France for Holland and England. Collections were taken up for them in the latter country, and Parliament assisted in their transportation to America by a generous grant of money. In 1679 Charles II. sent two shiploads of them to South Carolina, in order to introduce the cultivation of grapes, olives and the silkworm. This was only the beginning of a considerable stream of French Huguenots who continued to pour into the Carolinas down to the time of the Seven Years' War.

The foregoing nationalities constituted the important foreign elements that entered into the colonial immigration. There were, however, other nations represented in lesser degrees. The Dutch were numerous enough in eastern New York to give that region a characteristic social atmosphere. The Swedes once had a flourishing settlement on the Delaware; but their numbers were too small to make any impression on the colonial population. A small colony of Polish Protestants during the early years of the eighteenth century made their way to New Jersey and settled in the valleys of the Passaic and Raritan. A few Jews found homes in

some of the larger cities, and in Newport were numerous enough to support a synagogue.<sup>1</sup>

Briefly summarizing the distribution of these nationalities, we observe that the Germans as a rule settled along the head-waters of the rivers flowing into the Chesapeake and Delaware Bays, and along the eastern slope of the Appalachian mountains, as far south as Georgia. The bulk of the Scotch-Irish entered the colonies at the same ports as the Germans, namely, those on the Delaware and Chesapeake Bays and their tributaries, and located in about the same sections and their future migrations took practically the same direction. The French Huguenots made the seaboard districts of the Carolinas their main point of immigration, though they have left their impress on the other colonies in which they settled.

Such were the race elements and their general distribution in the colonies. It is not the purpose of this essay to enter into any detailed sociological study which this part of the subject naturally suggests; but a brief presentation of a few of the more obvious conclusions may not seem amiss. For general excellence first place must be awarded to the English settlers themselves. Nor was their supremacy due wholly, or in any considerable part, to external circumstances, such as priority of settlement or the backing of a strong power in Europe. When we consider the elements of character which experience time and again proved to be essential to the successful development of the American colonies, it is clearly apparent that in none of the other nationalities were these traits found so completely developed as in the Anglo-Saxon settlers. The moral and religious nature of this race, its characteristic perseverance, its spirit of personal freedom and independence, its inherent capacity for indus-

<sup>1</sup> In this sketch I have omitted speaking of the negroes, although their presence as an element in the colonial population has proved to be the most important and insolvable factor in the problem.

trial and political life, easily placed the English settler ahead of those from other countries.

The Germans surpassed them in laborious thrift and frugality; but they lacked the political and commercial instincts which centuries of training gave to the Englishman. A well-tilled farm and a well-filled barn completely filled the horizon of the Teuton immigrant; he did not aspire to build cities, to found colleges or to create governments. The French Huguenots excelled in simple and sincere piety, in refinement of character, in the ability to cultivate and enjoy the luxuries of life. But they lacked the indomitable energy of the Englishman who pushed his way into the forests, felled the trees, tilled the ground, and overcame all obstacles by force or tact. The French immigrant seldom isolated himself from his fellows. For the most part he settled in a town or village, usually near the coast where the settlements were older, and where there were more opportunities for social intercourse.

The Scotchman and Scotch-Irishman probably came nearest to the Englishman in his general equipment, mental and physical, for the life of an American settler. He was brave and courageous, inured to hardships and capable of enduring the life of a frontier colonist, or, if settled in a town, of sharing in the political and intellectual life of the community. The Scotch-Irish rivalled the English themselves in all those essential elements which went to make up the typical colonist. They took their places among the leaders in all the activities of colonial life. The Irish immigrant, on the other hand, was obviously no competitor of the Anglo-Saxon settler. His former life had not trained him in that spirit of self-reliance and independent action which the successful colonist needed. He was poorly fitted to begin the life of an independent farmer, especially when thrown on his own resources. As a hired laborer he proved himself capable and industrious, and usually began life in his American home in that capacity.

But comparisons aside, the unprejudiced student can have naught but praise for the foreign immigrants who came to America during the colonial period. Taken as a whole, it is doubtful if the world had ever witnessed an immigration superior to this in point of numbers and character. "They were not composed of the rich and effeminate, nor the poor and profligate. They rather came from that middle class of society which occupies the happy medium between sordid poverty and overgrown wealth. They knew that whatever of comfort or enjoyment they might hope for in the New World was only to be attained by their own labor and industry." They were not an ignorant class; many of them were well educated, and their general average of learning was high for the age in which they lived. They were a religious people and believed in Christianity, not as a philosophy but as a life. But why eulogize them further? Much that is best and noblest in America is a monument to the superior mental and physical constitution, the vigor, and deep religious faith of the foreign immigrants.

It would seem, on first thought, that the intermixture of nationalities that settled in the colonies could have had but one possible result, an inextricable confusion of languages, customs and institutions, a continual clashing of race prejudices and religious beliefs. But no such result took place. Indeed, the rapidity with which these people blended has excited the wonder of later historians. One reason for this phenomenon is to be found in the fact that notwithstanding the different nationalities represented yet, broadly speaking, they all belonged to the same race-stock or at least to two branches closely related; namely, the Teutonic and Celtic. A rough classification of the colonists under these heads would be as follows:

English	Scotch	French	Teutonic.
German	Irish	Celtic.	Celtic.
Dutch			

It has been demonstrated time and again that these nationalities when occupying the same country amalgamate readily; that they possess inherent instincts for industrial and political life, and, though differing widely in language, customs, and political institutions, yet when brought in contact have that affinity for one another that they easily blend into a composite whole or readily accept the life and institutions of the stronger nation.<sup>1</sup> This, it seems to me, explains to a considerable extent the rapid and easy fusion and blending of these divers nationalities.

There were of course other causes, chiefly external. Among the most important of these was the economic environment. Generally speaking, the new settlers were immediately dependent upon their own exertions for a livelihood. This fact made it necessary that they should adjust themselves to the conditions, and as the economic life of the colonists was comparatively simple, it meant a rapid development toward uniformity. Again the political and social environment tended to the same end. It was a new world; each settler seemed to feel that he was helping to build up a new civilization. Though perhaps largely unconscious of it, they had common aims, common hopes, and consequently common ties. The foreigner who settled in Massachusetts or in Virginia felt very different from one who settled in England, although the former was surrounded by people as purely English as those of the mother country itself. The difference lay in the social environment. In England he was a stranger and had no interest beyond that of obtaining a livelihood; while in America every opportunity was open to him, every interest appealed to him, and

<sup>1</sup> See Essays of Henry Cabot Lodge on Immigration. Recent political writers have noted this fact in connection with the immigration from 1820 to 1880, and have pointed out the danger of permitting too great an influx of Latin and Slavic races that have formed a very considerable part of our immigration since 1880.

he felt that his brother colonist, though of another nationality, had similar opportunities and interests. In such an atmosphere national ties or even race lines counted for little.

Again, these were British colonies, and the official language was of course English. In order fully to enjoy their opportunities, the foreign immigrants had to learn the English language. In some few instances they maintained their own schools, but for the most part their children were taught in the English language. Thus a generation sufficed to obliterate to a great degree race prejudices and foreign languages.

Broadly speaking, the foreign immigrants contributed nothing to the forms of colonial political institutions. Aside from the Dutch manors on the Hudson and a few politico-religious communities in Pennsylvania, the political institutions, both local and provincial, were Anglo-Saxon, modified, of course, by economic and physical environment, but losing or gaining nothing in form from the thousands of foreigners who immigrated to the colonies. That their presence greatly modified the character of legislation is of course obvious.

When we pass to the social life of the colonists, the influence of the foreign element is strongly marked. The German immigrant could easily accept the English political institutions of Pennsylvania, but not so readily could he adopt the social life of the Quaker settlers. He dressed differently, he ate different food, his home, his habits and his physique were all different; and this, to a considerable extent, was true of the other foreign settlers. Obviously the general aspect of the social life of the colonists was far from that of the Anglo-Saxon. Physical environment alone would have greatly modified it, and, when subjected to the influence of such a variety of nationalities, the result was a composite product, distinctly American.

Turning now to the religious character and institutions of the colonists, it is apparent that the large immigration of foreigners exerted a powerful influence. Though they were chiefly Protestant, yet as a rule they held different beliefs and worshipped under different forms from those of the English settlers. The Germans represented a variety of sects, but were mostly Lutherans; the Scotch and Scotch-Irish were Presbyterians, and the Huguenots were divided among several sects. The presence of so many denominations made religious toleration almost a necessity. The letters of the Provincial Governors in Maryland and Virginia reveal the embarrassment of their position in endeavoring to maintain a State religion. The power to uphold such an institution came from without; the spirit of the colonists themselves was against it, and it was largely owing to this diversity of religious persuasions that the movement began which led to the final separation of Church and State.

## CHAPTER IX

### CONCLUSION

IN conclusion, the question naturally suggests itself: to what extent did the efforts of the colonists serve to foster or to restrict immigration. When we consider the character and extent of foreign immigration into the colonies, and realize its important and far-reaching effects on the destiny of America, the query, how far the colonists (say from 1660) had it in their power to modify the result, and how far they are to be praised or blamed for the outcome, is one of some interest.

As has before been intimated, England abandoned her policy of exclusion from the time of the first permanent settlements. The way, therefore, for a foreign immigration was opened from the very beginning. The founding of the colonies, outside of New England, was largely prompted by commercial motives, and the companies or proprietors were anxious to secure settlers, regardless of their nationality. Thus, when the first popular assemblies met and the colonists began to exercise some discretion in their own affairs, there were already enough foreigners in the country to make an appreciable factor in the community life. In other words, America has been a cosmopolitan community from the very beginning. The efforts of the colonies to foster immigration were unquestionably effective in increasing it. The experience of Pennsylvania and some of the Southern colonies during the first half of the eighteenth century clearly demonstrate that proposition. Yet, it must not be forgotten that the colonies were dependent; and, as we have seen from our

study, it is to the English government and to the Proprietors of the provinces, that the larger share of credit must be given for fostering immigration.

But, although the colonists were not free to deal with the matter as they saw fit, they did occasionally pass, and might to a much greater extent have passed, measures considerably restricting or discouraging this movement. That they rarely assumed such an attitude, but on the contrary welcomed and encouraged the coming of the foreigners must forever redound to their credit.

Omitting, for the moment, the Catholics, the anti-immigration laws passed by the colonial legislatures were, broadly speaking, very meagre in their effect as restrictive or prohibitive measures. While they effected in many instances a temporary check or diverted certain immigrants to other sections than the ones they might otherwise have chosen, yet, considering the colonies as a whole, it is not apparent that they produced any appreciable effect. It must not, however, be inferred from this statement that these laws were therefore useless. On the contrary, they were an important factor in the development of colonial life. It was on account of these restrictions and prohibitions that the different colonies were enabled to maintain their characteristic existence and preserve their political and religious ideals. It was because of these measures that there has been a Massachusetts and a Virginia.

The rigorous measures of the New England colonies, practically excluded immigrants from other nations than England, and even limited those from the mother country to persons of a definite political and religious belief. While they have called forth bitter denunciation, it was by virtue of these very measures that New England has given to the country the ideals of government and social order that have made America what she is to-day, and has preserved

until the present day the characteristic local institutions of the Puritans.

Turning now to the Catholics, it is at once evident that the colonial regulations against them were very effective. Had encouragement been offered or even had there been no prohibitions placed on their immigration, it is not an unfair assumption to make that a very considerable number of that class would have found their way to the colonies. As it was, the drastic measures along various lines that were passed against them practically amounted to an exclusion.

There are those who consider this the most important fact in colonial history, and assert that America was possible only on a Protestant basis. What effect the presence of a large Catholic population distributed throughout the colonies or of a strong Catholic colony might have had during the critical periods of American history in the eighteenth century is only a matter of conjecture. So much is certain during one period: they were hostile to George III., and American independence had no more staunch supporters than the Catholics of Maryland.

Their political independence secured, and vast tracts of unsettled lands added to their boundaries, it is not surprising that the American people again looked to Europe for settlers to people these extensive domains; and so they continued to offer free homes and political privileges to foreign immigrants. There were, however, some who favored restrictions on further immigration. To their minds the problem had changed since 1760. A new government had been created with institutions essentially unlike anything the European immigrant had ever experienced. It was feared that they would misunderstand and misuse the liberties granted to them.

Jefferson, writing to a friend about 1783, touched on the problem thus: "But are there no inconveniences to be

thrown into the scale against any advantage expected from a multiplication of numbers by the importation of foreigners? It is for the happiness of those united in society to harmonize as much as possible in matters which of necessity they must transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent. Every species of government has its specific principles. Ours, perhaps, are more peculiar than those of any other. It is a composition of the freest principles of the English Constitution with others derived from natural right and natural reason. To these nothing can be more opposed than the maxims of absolute monarchies. Yet, from such we are to expect the greatest number of immigrants. They will bring with them the principles of the governments they leave, or if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as usual, from one extreme to the other. These principles, with their language, they will transmit to their children. In proportion to their numbers, they will share legislation with us. They will infuse into it their spirit, warp or bias its direction, and render it a heterogeneous, incoherent, distracted mass."<sup>1</sup>

Thus reasoned the "Sage of Monticello." In such a menacing aspect did the problem of immigration present itself to his mind. It is rather curious that the question did not come up in the Constitutional Convention of 1787. Jefferson was out of the country at the time, but there must have been others who shared his views. If there were any such, they apparently took no steps to embody their ideas in the Constitution; and the new government was wisely or unwisely launched on its career free to the nations of the world.

<sup>1</sup> *Notes on Virginia*, 152.

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